

# **INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT COMMITTEE**

**Council of the County of Maui**

## **MINUTES**

**March 16, 2015**

**Council Chamber, 8<sup>th</sup> Floor**

**CONVENE:** 1:35 p.m.

**PRESENT:** VOTING MEMBERS:

Councilmember Elle Cochran, Chair  
Councilmember Riki Hokama, Vice-Chair (in 1:42 p.m.)  
Councilmember Gladys C. Baisa  
Councilmember Robert Carroll  
Councilmember Stacy Crivello  
Councilmember Mike White (2:12 p.m.)

**EXCUSED:** VOTING MEMBERS:

Councilmember Don S. Guzman

**STAFF:**

Jordan Molina, Legislative Analyst  
Raynette Yap, Committee Secretary

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

Ella Alcon, Council Aide, Molokai Council Office (via telephone conference bridge)

**ADMIN.:**

Kaala Buenconsejo, Director, Department of Parks and Recreation  
Robert Halvorson, Chief of Planning and Development, Department of Parks and Recreation  
Jacob Verkerke, Chief Technology Officer, Department of Management  
David Goode, Director, Department of Public Works  
Rowena Dagdag-Andaya, Deputy Director, Department of Public Works  
Mark Walker, Deputy Director, Department of Finance  
Guy Hironaka, Real Property Manager, Department of Finance  
Scott Teruya, Real Property Tax Administrator, Department of Finance  
Richelle Thomson, Deputy Corporation Counsel, Department of the Corporation Counsel  
Michael Hopper, Deputy Corporation Counsel, Department of the Corporation Counsel

*In the gallery:*

David Taylor, Director, Department of Water Supply

**OTHERS:**

Gregg Nelson, General Manager, Napili Kai Beach Resort

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Shane Sinenci  
Plus (2) Others

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

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CHAIR COCHRAN: . . .*(gavel)*. . . Aloha. Will the Infrastructure Environmental Management meeting please come to order? It is now 1:35, March 16, 2015. And I am Elle Cochran the Chair of this Committee. And before we start our business please silence all cell phones and any noise-making devices and let me call the Members that are here. We have Member Bob Carroll.

COUNCILMEMBER CARROLL: Good afternoon, Chair.

CHAIR COCHRAN: Good afternoon. And Member Gladys Baisa.

COUNCILMEMBER BAISA: Good afternoon, Chair.

CHAIR COCHRAN: Aloha. And Member Stacy Crivello.

COUNCILMEMBER CRIVELLO: Aloha, Chair.

CHAIR COCHRAN: Aloha. And who...excused will be Don Guzman and Mr. Hokama; and Chairman White will be arriving shortly. We also have quite a few departments here from Administration; Parks and Recreation; Public Works; Finance; Corporation Counsel, Richelle Thomson; and looks like Jacob Verkerke, from our IT Department, also. And then Staff, of course, we have Legislative Analyst, Jordan Molina; Committee Secretary, Rayna Yap. And, at this point, let me check in with our District Offices. From Hana, Ms. Lono are you there?

MS. LONO: Yes. Good afternoon, Chair. This is Dawn Lono at the Hana Office.

CHAIR COCHRAN: Aloha. And from Lanai, Ms. Fernandez are you there?

MS. FERNANDEZ: Good afternoon, Chair, this is Denise Fernandez on Lanai.

CHAIR COCHRAN: Thank you, Ms. Fernandez. And Molokai, Ms. Alcon?

MS. ALCON: Good afternoon, Chair, this is Ella Alcon on Molokai.

CHAIR COCHRAN: Thank you, ladies, for being there. So, Members, we have a pretty aggressive agenda, it's my last Committee before budget. So pardon the cramming of six items. So we have...we'll be working with IEM-6, which is about the leach fields at Kapueokahi Bay, Hana; IEM-11(2), Orientation by Department of Public Works; IEM-13, Disposition of Hui Road "G", which is in Napili--and it looks like we have Greg Nelson, General Manager of Napili Kai here with us as a resource person--IEM-15, Grant of Sewerline Easement to Warmenhoven Spirit Trust at Makena Road, Makena;

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IEM-9, Eliminating Building Code Exemptions for Conservation District and Hawaiian Home Lands; and IEM-53, Information Technology Infrastructure, we have Mr. Verkerke here. And, Members, without objections, I'm looking to make a change in the order of our business today. I'd like to move IEM-53 to be the second item we discuss and also moving IEM-15 to be the fourth item we discuss; and, basically, it's so we can address the discussion matters first before getting into action items. So, Members, without objections, if I may change the order?

COUNCILMEMBERS: No objections.

CHAIR COCHRAN: Thank you very much, so ordered. So, at this point, let me open up the floor for testimony. We'll start in our Chamber gallery here on the 8<sup>th</sup> floor. Anyone wishing to testify, please sign up at the desk in the front lobby. And please stick to the agenda items listed today. You'll have three minutes to testify and please state your name and any organization you may be representing. And at this point, Mr. Molina, do we have any testifiers?

MR. MOLINA: We had one person signed up in the Chamber to testify. The first testifier is Gregg Nelson.

CHAIR COCHRAN: Thank you. Mr. Nelson you may approach the podium.

**. . . BEGIN PUBLIC TESTIMONY . . .**

MR. NELSON: Aloha, Chair and Committee Members. My name is Gregg Nelson. I'm General Manager of Napili Kai Beach Resort, and I am here with regards to IME [sic] No. 13, which is the Hui Road "G" issue. And I did provide a little bit of information, a few pages for you. I'll give you a ever so briefly background on this. Many years ago, about 11 years ago, I decided to rebuild a swimming pool that we had on the property. Went to the County regarding this swimming pool; they said we needed to do a shoreline certification first. So proceeded to do the shoreline certification through a surveyor. And in the process of doing...looking over the survey and the shoreline issues, noticed that the back side of our restaurant encroached on to Hui Road "G". Hui Road "G" is not, it's a bit of misnomer. It's not really a road, it is a storm drain system. It's a cement culvert with a cap on it. Runs along the back side of the restaurant. Back in 1986 or '87, when that was installed, Hannibal Tavares, the then Mayor, gave Napili Kai a perpetual exclusive easement to use this narrow strip of property. It's not anything that we can build on or anything, again it's a cement culvert for storm drain runoff. Goes on out to the ocean, so we went to the County again knowing that in eventual times after we got done with our shoreline certification, we'd have to apply for that permit, they would see this encroachment on to what is called Hui Road "G", and decided how can we work this out. It was Kalbert Young, Milton Arakawa at the time, that we discussed this with; they basically said probably the best thing is for Napili Kai to actually buy the strip of land. So that is what we have been working on for quite some time. We've gone through, the Finance Department's gone through an appraisal process on this. And we were willing to pay

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the amount of the appraisal determination, and that's kind of where we are right now, so.

CHAIR COCHRAN: Thank you, Mr. Nelson, for being here.

MR. NELSON: Thank you.

CHAIR COCHRAN: And will you be staying --

MR. NELSON: Yes. I will be.

CHAIR COCHRAN: --for a little while with us?

MR. NELSON: Yes.

CHAIR COCHRAN: Okay. So, Members, any need for clarification of our testifier right now? And as you heard Mr. Nelson will be here in the gallery for us when we discuss this item on the agenda. Thank you, Members.

MR. NELSON: Thank you.

CHAIR COCHRAN: And I'd like to recognize the presents of Riki Hokama. Aloha, Member Hokama.

VICE-CHAIR HOKAMA: Madam Chair.

CHAIR COCHRAN: Thank you. Okay. Next, anyone else in the gallery, Jordan?

MR. MOLINA: There's no one else signed up to provide testimony.

CHAIR COCHRAN: Okay. In Hana, Ms. Lono, any one there signed up to testify?

MS. LONO: Yes, Chair. I have Shane Sinenci testifying on IEM-6.

CHAIR COCHRAN: Thank you. And Ms. Lono, could you just give me a breakdown as to how many testifiers you do have?

MS. LONO: He's the only one here signed up to testify.

CHAIR COCHRAN: Okay. Thank you very much, go ahead, Mr. Sinenci.

MR. SINENCI: Aloha, Maui County Council. I'm here testifying for the leach field at Kapueokahi Bay. First off, I did wanna thank the County for sending a contingent last Thursday to meet with the community. At that meeting you heard overwhelming testimony opposing the leach field for several reasons including faulty installment systems, culturally significant sites, and primarily the proximity to the saltwater beach. We did in...on Thursday's meeting, you did hear a lot of passion from the

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community in that opposition. But we did wanna go ahead and propose and possibly help with the whole process. I do believe that they are considering alternatives. One alternative that came up was the Hookipa Beach Park System which is made up of a pump that pumps sewage up the hill into a large tank; that could be a possibility. I did wanna also propose the, you know, a lot of the traffic to our beach-park bathrooms comes from the high volume of tourists that come during our summer months. We do have a couple of other County parks that could possibly take this large traffic, including the Paanimai County Park, and I do believe the County was looking at an access road from Uakea Road up to the Paanimai Park to take some of this traffic. There's also some talks from Bio-Zoom where we could use nutrients that would help to break down some of our sewage as well. Due to the large tourist traffic, I don't know how possible it is to maybe contact the State tourism as far as funding so that we could help with a lot of this tourist traffic. I am asking that the County finance budget for whatever system that you're proposing and also just to the general infrastructure of all Maui bathrooms across the island. I know a few of 'em are, you know, already expired and not working so...including the Hana bathroom. So I am, I'm asking that maybe the Environmental Management also be involved in the planning and the process of --

MR. MOLINA: Three minutes.

MR. SINENCI: --of fixing all of our bathroom infrastructure.

CHAIR COCHRAN: Thank you, Mr. Sinenci. You have a sentence to conclude?

MR. SINENCI: Yes. Other than that, I just wanted to stress, you know, in the schools right now, we are teaching our kids about environmental management, and what a great opportunity from the County that you could be the leaders and the role models for our next generations when it comes to maintaining our environment, specifically our sewage systems. Mahalo.

CHAIR COCHRAN: Thank you very much for your time. Members, any need for clarification of our testifier? Seeing none, thank you, Mr. Sinenci. Ms. Lono, anyone else signed up to testify?

MS. LONO: No one else waiting to testify in the Hana Office, Chair.

CHAIR COCHRAN: Thank you, Ms. Lono. Please notify us if you do. Moving on to Lanai, Ms. Fernandez, anyone there to testify?

MS. FERNANDEZ: There is no one waiting to testify at the Lanai Office.

CHAIR COCHRAN: Thank you, Ms. Fernandez. And on Molokai, Ms. Alcon, any one to testify?

MS. ALCON: There's no one here on Molokai waiting to testify.

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CHAIR COCHRAN: Thank you. And, anyone else in the gallery, last call if you would like to come down for testimony. We see no one approaching us. So, Members, at this time without objections, I shall close public testimony.

COUNCILMEMBERS: No objections.

CHAIR COCHRAN: Thank you very much, so ordered.

**. . . END OF PUBLIC TESTIMONY . . .**

**ITEM NO. 6: LEACH FIELD AT KAPUEOKAHI BAY (HANA) (CC 15-20)**

CHAIR COCHRAN: And let's get right into business. First on our list is IEM-6, and it is regards to the leach field at Kapueokahi Bay, Hana. And we...let me...I've had some documents, three documents handed out; I believe we've received them by now. And the first one is in regards to Helene Hall's improvement CIP project sheet; and it starts from FY 2014 Budget. And this is just to bring everybody up to speed and get everyone, you know, recollection. And, oh sorry, we have Director of Publics Works, Kaala Buenconsejo and Mr. Halvorson--is it, yes--here with us from Parks and Rec, and they'll be joining us here at the floor. Aloha gentlemen, please join us and introduce yourselves and your role for us at the County. Aloha, go ahead.

MR. BUENCONSEJO: Aloha, Chair Cochran, thank you. Kaala Buenconsejo, Parks and Rec Director, along with Robert Halvorson, our Chief of Planning and Development.

CHAIR COCHRAN: Thank you very much for being here, gentlemen. And where I was at...and then item number 2, it's a summary of our Budget and Finance Committee meeting minutes from 2013 to 2014. And item 3, a letter from Parks Department responding to questions from the Hana community. And the budget minutes basically includes excerpts from our Committee's deliberations relating to the project in FY 2014 and 2015. And just to refresh our memories, what had transpired was we voted to approve Parks Department CIP project in 2014, for design and construction of absorption field for aerobic treatment system at Helene Hall. In reviewing the minutes, the Committee's deliberations on Hana FY 2014 Budget, it appears that the Committee may have been unaware of the project had been proposed. The only mention of Helene Hall septic system was from one constituent who requested that it be addressed; and this request is highlighted on the first page of the minutes handout. On the next page, you can see that at the meeting on April 17, 2013, Member Couch expressed some concern with the failure of the current and relatively new seepage pits. He requested an explanation as to what had happened, but no solid explanation was given at that time. Then at April 29, 2013 meeting where consensus occurred, Member Baisa inquired of other Members as to whether or not Member Carroll, who at the time was absent, was okay with the CIP project for Helene Hall. And the Members confirmed Member Carroll's agreement in absentia, and the remaining Members approved by consensus an appropriation for design and construction at that time, I recall. At the subsequent Hana District hearing on April 22, 2014, for FY 2015

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Budget, we heard from one testifier about the problems the cesspools are causing in the community. And then April 30, 2014 Budget meeting, Member Crivello expressed concerns about the sewer problems after hearing from the Hana residents. Deputy Director Savage, at the time, reminded this Committee the monies had been allocated and informed us the design had been completed, and addressing the sewage problems at both Helene Hall and Hana Ball Park restrooms were at the forefront of their CIP project priorities. And number 3, the handout that is the letter from Parks Department, provides responses to questions from the Committee and Member Carroll regarding Helene Hall and Hana Ball Park septic systems. The letter includes some background into concerns of Hana community as well as departmental maintenance roles and historical issues with this project. Unfortunately, Members, it was Mr. Guzman who had forwarded this communication to the Committee but he is not present here today. And, at this point, I'm gonna turn the floor over to Member Carroll, the representative for the district, to give some opening comments. If you have any, Mr. Carroll, on the subject matter?

COUNCILMEMBER CARROLL: Thank you, Chair.

CHAIR COCHRAN: Yes, you're welcome.

COUNCILMEMBER CARROLL: I'd like to start by making a few comments. Originally, when I was working with Stanley Akoi on the problems that we had over there, we had from Parks and people that came over that it was a problem with more the aerators and the connections between the two, the old and the new. And that is what all the focus was on until the leach field came up. And that is what I thought was happening until we found, you know, we look oh wow, I don't think anybody realized what the expansion of that leach field was. We hear every home has a leach field, myself and a lot people we just never cued in on to what the impact was over there. When we did, I had Dawn Lono notify everybody that she could about what was happening. And then I also asked our Parks Director over there \_\_\_ to have the meeting, the one in Hana, because I felt that having that meeting before this meeting would be beneficial, having the community input that we're gonna be discussing today. The community wants something that's safe. We want something that you don't have to worry about. We want something that doesn't pollute the bay. We don't want something that pollutes anything, the bay or anything else or any part of the land. We were hoping that as an interim they could do the original projection of fixing what was there now without doing anything else, having the aeration brought up to standard, and there was some problem with a pipe that was going between the two. Now, the engineers are what...and I wish Stanley was over here, because he had so many arguments with them you cannot believe about that. It seems that it was installed wrong the first time, it was not correct. And what we originally wanted was just to have them correct that and have the aeration working and that was the whole point of the exercise at the beginning. And then it has grown into what we have before us now, a large leach field, et cetera, which the community has definitely said, it's not appropriate and they do not want it. So I would hope that working with Parks, I know some of the alternatives are very expensive. However, what's our shoreline worth, what's our community worth? And we need to consider everything. We need consider what is best, then we

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need to look at if we can get the money to do it. And everything from a sewage treatment plant, which there's no way we could do it down there; that would have to be up above someplace and be pumped. Continuing making it a closed system where you pump it out every time, can't go anywhere, because it's just a tank and it's enclosed. And whatever else we can come up with. I was hoping at the meeting over here that Parks or the engineers can come up with some proposals and some dollar values that we might be able to make a little progress today. And again thank you for going Hana. Ms. Cochran tried to fly in, she got zapped because of the weather and had to turn around. I had just come back from, flew in from Honolulu and I had a dead battery at the airport which prevented me from getting over there. But however we really appreciate your coming, thank you so much. Now I'll turn the time over.

CHAIR COCHRAN: Thank you, Member Carroll. And so, before I open up the floor, but I just wanna...yes, thank Parks and Recs for going out to Hana and having the discussion with the community. And I think that really allayed the concerns. You heard them out. And he took them into consideration, also, to really push forward to sift through this. So and then also having read *The Maui News* today, it sounds like things are on hold at this point. But, nevertheless, it is an item on the agenda today still; so everyone is still here in place to discuss it, but so let's get right to it. And so this County Communication is 15-20, from Council Vice-Chair Don Guzman, and it is the matter relating to this proposed leach field. So at this point, I shall open up for comments from the Department. So, Mr. Buenconsejo or Mr. Halvorson, if you have some comments to give the Committee please.

MR. BUENCONSEJO: Thank you, Chair.

CHAIR COCHRAN: Thank you, Director.

MR. BUENCONSEJO: Yeah, so as Councilmember Carroll mentioned, so we did go out there this past Thursday. And again, unfortunately, as Member Cochran's plane couldn't land if I heard correctly, so it was a pretty bad weather at that time. But, basically, we did go out there for the first time, we did have the engineer, Satish, from our engineering firm over in Oahu, as well as the State Department of Health come out, Sina, from Oahu as well. So it gave the communities first opportunity to actually speak their voices, their concerns, and everything else in that situation where, in the past, they were kind of overlooked in that sense. What it did come about, it was standing room only, it was a very emotional crowd at the time. I think it was just a miscommunication or understanding of where the project was and where it stands. Throughout that testimony that we did have, you know, it was bought up with all the cultural, the historic, and overall just the wellbeing of Hana Bay, of where it should be and where it's suppose be, for the future, for the generations to come. To kind of answer your question regarding the current system: yes, the current system, originally it was a cesspool, it was converted to a septic kind of or is it aromatic, aromatic, aerobic kind of pump. I think looking at that system as well and what was brought up as well in the meeting was at the time it was installed, I think the maintenance and training of that from a Parks standpoint, you know, wasn't taken into consideration. So, yes, it was...it's not working the way it's supposed to be. I

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think throughout the meeting, however though, it was heard loud and clear that even that system, they no longer want. The leach field on a Department of Health standpoint is actually a system where it doesn't hit the water table. It does stay in the soil. But either faction, as far as either choice, the current system we do have is still using the current cesspool system as like a leakage pit. So it's still going in there and that cesspool is a direct link into the water table. So hearing the community's concern as well, that's even a worse system if we're going to continue that without the leach field. So I think that was some miscommunication or understanding on that aspect; however, it was cleared up at the meeting of how it should be done. Long story short, in a sense with what the community would like and, again, which is why we kind of put a hold to everything is basically the cesspool obviously is an EPA and a Department of Health issue, for one, with the cesspool system. The septic system that we were gonna propose with the leach field is the, if you wanna call it, the second best system we got there. And again, if we can get the funding and everything else, having that possible wastewater treatment facility in Hana. But, again, the feasibility of the cost, you know, is where it would've been, it would be a definitely a money thing when it comes to that so. Other than that I'll kind of throw it back at you folks for any questions you may have in a nutshell in a sense. But that's kind of what happened on Thursday. It was a great showing, you know, a lot of the keiki came out, a lot of the kupunas, a lot of history, lineage came out in that meeting. And, again, I think they were heard, and that's where we are today with that. So everything is on a hold until we can find a solution.

CHAIR COCHRAN: Thank you, Director. Mr. Halvorson, did you have anything to add? Mr. Halvorson?

MR. HALVORSON: No.

CHAIR COCHRAN: No. Okay. Members, the floor is now open for you folks, for questions, comments. Yes, we'll start with Mr. Carroll and work our way down to Mr. Hokama. Mr. Carroll?

COUNCILMEMBER CARROLL: Thank you, Chair. I think then that our Parks Director has a very good handle on the needs and the concerns especially after the meeting and meeting with our community who are very good at making their concerns noted. We need solutions, and we need them in a timely manner. That's one of the main places for Hana people, Helene Hall, for weddings, for parties, for meetings, for when we have functions. It's for local people. That's what that hall is for, it's not a tourist attraction. So I would hope that we can look at all the alternatives that I was going over the first time. And I was hopeful that Parks can come back to this Council with a proposal or more than one proposal that would fit the community's needs with the cost factors in there. Thank you.

CHAIR COCHRAN: Thank you, Mr. Carroll. Yeah, Ms. Baisa?

COUNCILMEMBER BAISA: Thank you very much, Chair. And, first of all, I'd like to thank you for making a valiant effort to go to Hana. You know it's scary sometimes and I

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take my hat off for you, for trying to get on a flight to get there. Because the weather was really bad. And of course I wanna thank the Parks folks for going. It's important, you know, when a community is this concerned--and obviously they are, 'cause they showed up in large numbers and we have all this paper--I think we better pay attention that there seems to be a real concern out there. So I think, until we get a proposal back from you, we're gonna trust that, you know, you got it and you're doing the best you can and I'll be ready to listen and support when that time comes. But thank you, Madam Chair.

CHAIR COCHRAN: Okay. Thank you, Ms. Baisa. Ms. Crivello?

COUNCILMEMBER CRIVELLO: Thank you, Chair. Thank you, Chair, for having us indulge in this very concerned project for our Hana families. And, you know, I thank you for going out there. And though I think this is all set up before you took the reins. But I have a question and maybe it should be directed to the Department of Planning, and I don't have all the information with me. But was a SMA minor permit requested or was a SMA major permit requested? Mr. Halvorson, maybe you would have the information?

MR. HALVORSON: It was a minor permit was requested and obtained.

COUNCILMEMBER CRIVELLO: Okay. So it's a shame that was just a minor permit because you're just in line with the coastal area. And to me it should be...come back to an SMA major, because it infringes on our coastal area and our resources. Until you can prove it otherwise, I think there should be more indulging as to what we should really look at as far as permitting the leach field or whatever infrastructure we're gonna replace the existing with or what have you. And I guess, Chair, is that something that can come from our Committee as to questioning Planning? How they came up with the SMA minor instead of the SMA major permit? Would be...the major would be more intense and would truly identify, in my opinion anyway, that how much, you know, if you can't...it's just a skip and a hop from the bay. So there should not have been just a minor permit, you know. So if somehow or other we can get...and maybe a reconsideration that it should be an SMA major before we can indulge in actually...and it may need more funding to put the correct, to make it right. I think that's what we're looking for. Thank you, Chair.

CHAIR COCHRAN: Thank you, Ms. Crivello. And, Department, if I'm not mistaken, the difference between minor and major is the cost of the project itself. And is it 250 and below which creates...makes it a minor and then anything above is a major?

MR. HALVORSON: There are other factors that make that determination. It's a half-a-million dollars and below is a minor.

CHAIR COCHRAN: Five hundred and below. Okay.

MR. HALVORSON: But the Planning Department makes that determination on the other requirements not the Department, not the Parks Department.

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CHAIR COCHRAN: Right. But I just thought maybe in your deliberations you knew what the total amount...what is the contracted amount for this job? Was it...we did construction and design monies...

COUNCILMEMBER CRIVELLO: I think...

MR. HALVORSON: Design was...

CHAIR COCHRAN: Right here...

MR. HALVORSON: Design was approximately 22,000, I think construction's 150- or 160-.

CHAIR COCHRAN: Okay, thank you. Yes, Ms. Crivello?

COUNCILMEMBER CRIVELLO: Chair?

CHAIR COCHRAN: Yes?

COUNCILMEMBER CRIVELLO: Yes, they look at the --

CHAIR COCHRAN: Oh, here it is.

COUNCILMEMBER CRIVELLO: --construction valuation of that. But, you know, also the setbacks, you know what we should prohibit within the shoreline area on that, adversely affect beach and our shoreline or the risk of coastal hazards; that's a requirement for SMA major. So if we're only going to look at the dollars, you know, we're not looking at the environment.

CHAIR COCHRAN: Yup. Very good point, Ms. Crivello; and we'll look into that, see if we can do the reconsideration for a more serious permit. Mr. Hokama, did you have any comments or questions?

VICE-CHAIR HOKAMA: No questions.

CHAIR COCHRAN: Not at this time. Okay. Thank you very much. And so I guess Parks in relation to evaluating or looking at alternatives other than this leach field, has the Department done that and if so what has been discussed or looked at?

MR. BUENCONSEJO: Currently, after that meeting was resolved, we are gonna go back. The only two other options besides the leach that we were proposing, would be of course having the true wastewater plant in Hana or that possibility of that proposed site where we could maybe pump something like similar to Hookipa; but that was more of a discussion. So our engineer is going back to the table though. He is gonna go back and just try and see what other proposals that he can come up with. But those two right now with these current systems that we do have, the Hana residents have made it clear they do not want a leach field anywhere near Hana Bay.

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CHAIR COCHRAN: Okay, very good. And has there ever been...given any thoughts, you know, the new trailer restrooms we have at the West Maui skate park, something of that nature being implemented?

MR. BUENCONSEJO: Yes. So that's, that was also brought up as well is so for those who aren't quite aware. We do have that trailer systems that have portable restrooms in them, that is one option to go there; but we'd still be continuing to pumping. Currently, we're just under almost about \$50,000 a year for the pumping of the current system; it still does not alleviate the total effect. If we do shut down the restrooms there, there is still that concession stand that would still be using the current system; so any sewage, in a sense, from that particular vendor would still be going into the current septic system that we do currently have running. So the portable restrooms would only be strictly for restroom use and as long as that concession stand is open until we find an immediate solution, it still will be used in that system.

CHAIR COCHRAN: Okay. And I guess another question is in regards to historical, Department of Health or EPA-type mandates for the area requirements that we were kind of locked into.

MR. BUENCONSEJO: Again, for that one, from what...Department of Health from the State came down with us--everything is by Code and standards--the question that was arised from the community was, is it 100 percent safe? One hundred percent, not gonna get to the ocean. And I don't think anything can be 100 percent. So for them to take that stand and say yes, 100 percent, this is the one, would be premature for them to say that. But as far as a Department of Health standard that's the leach field is their recommendation.

CHAIR COCHRAN: Okay. And I think a big one is looking back at the 1994 Hana Community Plan. And in it it states, to prepare wastewater system master plan for the Hana region. And so, Mr. Carroll, I know you're around and you probably heard of this. And it's been in our CIP, you know, budgets from 2003 on in order to, you know, look into this master plan per se. And it's just been steadily pushed back, pushed back, I guess not high priority. And so just wondering if Parks had looked into this and thought...is preparing to move forward maybe, because of this leach field discussion and maybe other things that might come to the surface as in, you know, looking to this wastewater system master plan.

MR. BUENCONSEJO: Chair, we did talk about it a little bit. But I'll probably refer that one over to Robert Halvorson, who may have more in depth with the CIP that was from that time.

CHAIR COCHRAN: Okay. Mr. Halvorson if you have any comments about this?

MR. HALVORSON: I don't think that was Parks' CIP, that'd probably be Department Environmental Management.

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CHAIR COCHRAN: Oh, okay.

MR. HALVORSON: 'Cause it's to be Hana wide not just Parks in Hana.

CHAIR COCHRAN: Right. Okay. And if it was but I guess this issue would be implemented probably within the scope of this perhaps master plan, too.

MR. HALVORSON: Through Department of Environmental Management.

CHAIR COCHRAN: Would you folks be happy to, you know, assist or be involved and...

MR. HALVORSON: Certainly.

CHAIR COCHRAN: Okay, excellent. We have the past wastewater person here, but that's okay, we can't...I won't bring him down. Mr. Taylor is intrigued by our discussion today. So, you know, thank you again, Department, for going to Hana and, Mr. Carroll, you tried and I myself tried. And I guess the pleas of the community has been heard, and we have, sheesh, I don't know 100s, 1,000 or so signatures on a petition opposing it also. So it does matter that one person's, you know, comment adds up to many and thereby makes an impact upon our decision making. And so, at this point, I see Council Chair Mike White joining us.

COUNCILMEMBER WHITE: Aloha, Chair.

CHAIR COCHRAN: Hi, aloha, welcome. And Mr. White I know you just sat, but if you have any comments in regards to our discussion to the leach field in Hana. I'm gonna be closing out the agenda item shortly. But I will give the floor, you know, you can have comments if you do have any.

COUNCILMEMBER WHITE: Thank you, Chair. No, I think...I've been listening and I think the issue has been very well covered. Thank you.

CHAIR COCHRAN: Okay. Thank you very much. So just jumping real quickly before I make my recommendation on this. I just wanna note, let everyone know and Budget's around the corner so, of course, if we want to fund going through with this wastewater master plan of sorts, then it comes with a price tag and it comes with funding. And so we just wanna make sure that everyone including the public and, you know, departments and what have you is willing to go there and fund and implement. And so with that, Members, my recommendation is to defer this item. Because we are not here to, yeah make any proposals and determinations. We still have to vet things out and figure out where we're gonna move from here. But again, thank you to the department and thank you, Members, for your time on this issue. So this item shall be deferred.

COUNCILMEMBERS: No objections.

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COUNCILMEMBERS VOICED NO OBJECTIONS. (Excused: DG)

**ACTION: DEFER pending further discussion.**

CHAIR COCHRAN: Thank you very much, so ordered.

MR. BUENCONSEJO: Thank you.

**ITEM NO. 53: INFORMATION TECHNOLOGY INFRASTRUCTURE (MISC)**

CHAIR COCHRAN: And Department, thank you for your time. And I believe we have Public Works. Oh sorry, we have Jacob Verkerke, Information Technology here next. Thank you. And this is IEM-53, INFORMATION TECHNOLOGY INFRASTRUCTURE. And this is a Miscellaneous Communication dated May 28, 2014, from the Deputy County Clerk. And it transmits a matter relating to County's information technology infrastructure and includes updates from Management Information Systems program and development of County's computer security preparedness plan. So we have Jacob Verkerke with us here today with a presentation. And aloha, Mr. Verkerke, thank you for being with us.

MR. VERKERKE: Aloha, Chair. Thank you for the opportunity to be here.

CHAIR COCHRAN: Yes, you're welcome. And today, we will be having, I'm sure as always, a very exciting conclusion to our educational series on the County's IT infrastructure. And I'm hopeful that today's discussion in conjunction with the discussions that have occurred over the past several months in both IEM and PIA Committees have made the Councilmembers experts in IT and fully ready for this upcoming Budget Session. I just feel so, so bad every budget when Mr. Verkerke comes plugging along and says what he says to us over and over and we just don't quite get it, so I been trying to prepare ourselves for him again. And so here you are, and Mr. Verkerke, the floor is all yours.

**. . . BEGIN PRESENTATION . . .**

MR. VERKERKE (*PowerPoint presentation*): Thank you, Chair. And good afternoon Councilmembers. I really do appreciate the opportunity to be here before you and give you an update on some of the projects we've been working on in the context of the Information Technology Infrastructure. I'd like to touch on these seven items here-- and I'll be brief, I know time's tight today--but I hope that it will be helpful and improve the understanding a little bit about what we're spending our time with. The first agenda item, we have posted our new IT Strategic Plan for the next four-year cycle on the website. It will focus us for the next four years on implementing the recommendations from the IT assessment that was done a couple of years ago. Specifically we want to stay focused on the technology refresh recommendation, as well as the recommendation that we institute, comprehensive IT governance so that

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what IT works on is consistent with strategic direction of the Administration and the wishes of Council as expressed through the budget process. And the third item, ties into the budget process, is for us to develop a more stable funding approach so that we have the ability to maintain technological currency as best as we can. Every year after the budget cycle, we will produce a Fiscal Year Action Plan for that upcoming Fiscal Year. In which we will describe how we are going to spend the funds and focus our attention for the upcoming year on the recommendations or on the direction in strategic plan. And we plan to update the strategic plan every year so that it kind of becomes a rolling strategic plan. I attended a conference where somebody kind of jokingly said that any time somebody tells me they're in the third year, of a four year strategic plan, they've missed the boat; and I agree with that. You know, at that point, the strategic plan has become a tactical plan if it doesn't get updated. So and I have provided you a copy of the strategic plan and the handouts and like I said it's on the website also. The next item is to MAPPS projects, it's the replacement of the 20-year old KIVA system. Why are we doing that is no longer really part of the discussion, 'cause its 20-years old and that's about all we can say about that. What are we trying to achieve? What we want to do is produce an opportunity for the community and for the staff of the County to work on a system that is taken advantage of all the current technological capabilities exist, to achieve more accountability, more transparency. So a key element of that is to provide user friendly online access to the customers, the community, the professionals so that they can submit plans and follow status of their applications. Hopefully we can facilitate the exchange of documentations and updates through an online process so that it eliminates a lot of the paperwork. We recognize that the new generation of this kind of product is tightly integrated with GIS. So we were working on making sure that we achieve that, and 'cause it's all dealing with land and the GIS should be the foundation of that. Electronic plans review is one of the goals that we are very excited about 'cause we think that, again, it's an opportunity to eliminate, you know, eight to twelve sets of very large rolls of documents. And it will improve how it flows through the organization considerably. Inspections and other out-in-the-field functions will rely on mobile tools. And that will come up in a later point in the presentation today so that the inspectors have access in the fields to the information that's relevant if something new comes up or if they discover something while they're out there that they hadn't really anticipated. They'll be able to access all relevant information that's contained in the system. And part of that accountability and transparency aspect is also to improve how we deal with request for services dealing with land information management and permitting management and complaints people may have about overgrown lots in their neighborhood and what have you. So that the interaction between the public, the community, and the staff can take place through an online method rather than having to come in and wait in line in offices all the time. How's it going with the project? The timeline to date looks as follows. We received 4 RFP responses in December. We thought there would be more responses, but we have 4 quality responses that we were happy with. We selected 3 finalists. State Law requires us, if we're gonna have a list of finalists, that there at least be three names on it. So we have 3 very good, very leading proposals, in leading in a market place that we're reviewing right now. The 3 finalists were invited for demonstrations of their products. They spent two days with us and gave us a very good tour of their product, answered a lot of questions, gave us opportunity for hands

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on; and so quite a few staff members in the affected departments took advantage of that. We went and visited a number of sites where these products were implemented to learn firsthand those things that are not usually contained in a proposal. We got a really good idea of what it's like to be engaged in an effort like this to upgrade a system and what some of the caveats are that we need to be very aware of. We have received the best and final offer responses on Friday, so that's distributed to the selection members. The selection team is made up of members of eight different departments. There's 12 members on the team that have a vote. So they will have to go through those best of final offers and do a final round of evaluations and selection. So we hope to have the winning vendor selected by April 7<sup>th</sup> of this year. Anytime you have questions, feel free. The third item on the agenda today, the Voice-over-IP telephone system. So far we have focused mostly on central Maui. The key reason for that is the existing PBX system served only central Maui so we wanted to do as much as we could to replace that. So we've built up the distributed switch infrastructure, which allows our network to distribute a responsibility for routing phone calls, managing phone calls over a number of locations so we don't have a single point of failure. All of central Maui is done with one notable exception is that Council and Council Services and County Clerk and they're scheduled for next month I believe, maybe the month after. Molokai is done. West Maui is almost finished. And then we'll have the total system completed in July by finishing up south Maui, Upcountry, Hana, and Lanai. We made our first efforts in south Maui and Lanai. What it involves, typically, is upgrading the network before we can actually put the phone functionality in place. 'Cause the network needs to be able to provide all the support and functionality the phone system needs. But its moving along and once we get into South Maui and the outlying areas, Upcountry, Hana, a lot of the savings on existing phone charges will be realized, 'cause there's lots of standalone pockets of phone capability, you know, one office phone switches and stuff. So that's where the real savings will start showing up. Wireless Infrastructure, as you may remember in the budget we had an item for a wireless network expansion and upgrade for the Police Department, the Police has gone to start deploying some cameras here and there. Hopefully it won't be quite as bad as we see in this picture here, but we need to prepare for a lot of data collected through mobile devices being sent to our network for storage in the context of cases that they're working on. So that's the main driver. As I mentioned in the MAPPS project, we will rely more and more on mobile devices for the inspectors and we see that already in other departments. I think the Department of Division of Aging and the Department of Housing and Human Concerns, the Prosecutor's number, other departments rely more and more on mobile devices. So we need to make sure that we are ready for that and for the communications expectations that, that represents; so we are working on that. We did a survey of the spectrum that looks to discover whether there's contention in the air on the radio frequencies for the frequencies that we are looking to use to make sure that we understand kind of our environment that we're placing these transmitters in, and also how buildings affect radio transmission so that we find the proper places within buildings to place our transceivers; and then using the budget funding available, this fiscal year we will purchase and install equipment for placement at Wailuku, Kihei, and Lahaina Police stations.

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CHAIR COCHRAN: Jacob, is that picture a joke or is that really...what is all over that windshield? That's like hindering the driver's view.

MR. VERKERKE: Yeah, I think that's not --

CHAIR COCHRAN: Oh, okay. Just wondering and I...

MR. VERKERKE: --quite realistic one.

CHAIR COCHRAN: Okay.

MR. VERKERKE: From an IT perspective we worry about that because there are so many mobile devices that all can take high-def video and pictures and stuff and everybody wants to store that in our system. So to us the world out there looks like there's a windshield full of cameras but --

CHAIR COCHRAN: Okay. Got it.

MR. VERKERKE: --hopefully it won't be quite that bad. The fifth item on the agenda today is to update you on what's happening with replacement of the Police Department's mobile data terminals [sic]. We've been talking about that and you were generous enough to make funding available so that we could replace, you know, the terminals in the police cars. There are typically about eight years old or so, well past their useful life. We've been buying very hard and very organized equipment so the equipment itself refuses to break but the functionality is really not there anymore. So we've selected a new generation of equipment, also, equipment that can support new security requirements. The FBI has a set of requirements including two-factor authentication. It's not enough to just sign in with a password. You also need to have a second form; so whether that's some kind of a swipe card or fingerprinting or anything like that to make sure that whoever's using it is truly authorized to use it. We have learned from the current generation of equipment that the Police Department has, that if we don't set up with a comprehensive life cycle replacement and management program that we run into problems with keeping the technology current, the functionality there. So we are negotiating right now, with the vendor, an approach that for the expected life of about five years, there'll be full support and full ability to update and maintain and manage that equipment so that the officers always have the latest at their fingertips. And that means that the vendor will be responsible for the installation, maintenance, and replacement. As you know from...as you mentioned, with the budget, there's always a request for staff and doesn't always work out that way; so we're looking for a way to shift that workload around a little bit so that we can make sure that we don't fall behind again. And part of that is to implement a configuration or an imaging tool that allows a quick update and a quick replacement. If a piece of equipment should break, we could put an image on a new piece of equipment and have it back to the offices in the shortest possible time.

VICE-CHAIR HOKAMA: Who's the vendor, please, Mr. Verkerke? Who's the vendor for the Police project?

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MR. VERKERKE: They've been using Panasonic equipment and it meets their needs; so we plan to continue with Panasonic equipment. In competitive solicitations at other counties in the State, Panasonic consistency comes out on top.

VICE-CHAIR HOKAMA: Thank you.

MR. VERKERKE: Another item that was in last year's budget and then I've been talking to you about quite a bit is the desktop replacement. We are faced with quite a few PCs that were still running XP and we're trying aggressively to replace that. Of course, you know how it goes with the best-laid plans. We were faced with a number of malware infections--and we've talked about that a little bit at PIA about cybersecurity, so I don't wanna get in to much detail here--all I can say about that is, it distracts our staff in activities that we hadn't really planned on in the sense of trying to restore and eliminate infections, restore data, and replace equipment, or update equipment. So a lot of our time over the first six months of this fiscal year was spent dealing with that. Then a batch of equipment that we ordered had some defective parts that took that us a while to sort it out with the vendor; I think we've found a solution for that. And we've had a number of staff members out for extended periods of time or find better paying jobs elsewhere. So things didn't quite go how we had hoped this year, but we're back on track I think. We're rolling out new PCs recently, the Planning Department and Housing Human Concerns got new computers after a long wait and we appreciate the patience. Again, we running in the problems, staffing availability and the challenge to maintain technological currency so we're taking a similar approach as what I described with the laptops for police to try and get more comprehensive agreement in place with the vendor for life-cycle support and maintenance, and replacement eventually. And we're looking to leverage the same configuration tool that allows us to put images on desktops in a much shorter time than otherwise. Finally, I wanna talk a little bit about business continuity and disaster recovery. In the context of cybersecurity, we've talked about that a little bit. We also have, of course, challenges with natural disasters or near disasters. We've had a number of storms that got us quite worried. So we're doing what we can to prepare for that. We have, recently, early in the fiscal year, purchased a new tool that helps us complete an inventory of essential infrastructure components, equipment, connectivity; and that will drive the creation of plans with priorities based on risk and impact of a particular event. We are working on fail-over datacenter and I think I've mentioned that to you before in Kihei. The network architecture we've talked about that last year during budget we need to provide redundancy to make sure that if a particular section of poles go down perhaps or something happens to a site. That the rest of the County Offices and locations can still function. We've been able to tap into Homeland Security money to help us with that a little bit. We are, of course, also faced with a situation where nominally we are really only a Monday through Friday, 7:45 till 4:30 shop; but the public and staff in the County expects the critical infrastructure to be available. Of course we support the Police Department now and that's a logical outcome of that. But people expect to walk in to work as early as 6:00 in the morning, work through weekends and have everything available and running. So we need to respond when something goes down during off hours so that we don't

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spend the first three or four days of or hours of a day trying to restore things and people are not able to do their work. So we find ourselves more and more responding 24/7, developing an alert system that tells us if something goes wrong; and, of course, that has an impact on how we pay our staff for these extended hours of support. And that's all I wanted to share or have to share with you today. If there's any questions, I'll be more than happy to answer them.

**. . . END PRESENTATION . . .**

CHAIR COCHRAN: Thank you, Mr. Verkerke. Members, the floor is open for discussion. And, again, just wanting to prep ourselves for this upcoming budget season. So anyone, I'll start, Member Carroll, did you have any questions or comments for Mr. Verkerke?

COUNCILMEMBER CARROLL: Thank you, Chair; but no questions at this time.

CHAIR COCHRAN: Okay. Thank you, Mr. Carroll. And, Ms. Baisa?

COUNCILMEMBER BAISA: No real questions, Chair. But I do wanna thank Mr. Verkerke for his endless monitoring of our system and trying to get us up to speed. I always feel very sorry when he comes with all of his plaintive, you know, I feel sad 'cause I know that he would really want all of this and really do a good job for us. But, of course, we have to look at the dollars and see what we can afford. But thank you, Mr. Verkerke, for keeping us in the best condition you can with what you have. Thank you.

CHAIR COCHRAN: Chair White?

COUNCILMEMBER WHITE: No, I'd just like to thank Mr. Verkerke for the update. Appreciate getting this before we get into Budget as you said.

CHAIR COCHRAN: Yeah. Very good, okay. Thank you. And Ms. Crivello, any questions?

COUNCILMEMBER CRIVELLO: No questions. Thank you for your presentation and for being here.

CHAIR COCHRAN: Thank you. And Mr. Hokama, Mr. Budget Chair himself?

VICE-CHAIR HOKAMA: No. I think Mr. Verkerke has placed us in a better situation than we were a few years ago. Do we have an external site that we store...have another set of storage data in case something happens to this building? Are we using a third-party vendor or something for be able to recover data? Do we have another secret storage site?

MR. VERKERKE: Some of our data is stored in the Cloud, so to speak. We try to analyze the data that we store and back up and classified as to is this of high, is the need for high availability that, you know, we get to it right away or is it something that people get to

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occasionally or rarely. And so we try to structure our storage along those lines. And what goes into the Cloud is typically stuff that is not as urgently needed, not as frequently, 'cause recovery time is a little bit longer. We do keep a set of tapes, we back up on tape every day. And incremental backups, anything that changed on weekends, we do a complete backup. Those tapes get stored in another facility here on the island, and then we're working on that data center in Kihei, where we will be able to replicate data so that it's live but not accessed until such time something happens with the availability of the storage, the data storage that we have here. So, slowly but surely, we're beginning to achieve a greater degree of redundancy and availability of the data. It all comes with the price or we trying to figure out how we can leverage, you know, the cheapest storage for data that we don't need to get at as often as others. So it's a lot of planning involved but I feel that our data is secure in that respect.

VICE-CHAIR HOKAMA: Okay. Thank you, Mr. Verkerke. We gonna need to make some updated policy on storage retention and what the County wants to protect and not protect.

CHAIR COCHRAN: Okay.

VICE-CHAIR HOKAMA: That's something the people has to pick up shortly, Chair.

CHAIR COCHRAN: Okay. Very good. So ordered. And I just wanna thank Mr. Verkerke for his time and efforts into, you know, educating us and bringing us up to speed on what the needs of the Department is. But also I think most importantly is his staff development strategies and also and himself. Because through NACo, Mr. Hokama, you know, we've had Mr. Verkerke travel and also this past NACo visit in D.C. with the IT, the technology session that we had, it was very interesting and nice to see you had Department member there learning and getting the latest, greatest updates on stuff. So I just wanna thank you and we're in very good hands with you, I know that. So we'll keep that in the forefront when you come to Budget and ask for your needs of your Department. So, Members, if there is no further discussion with Mr. Verkerke, we shall let him go and thank him very much for his time.

MR. VERKERKE: Thank you, Chair.

CHAIR COCHRAN: Alright.

MR. VERKERKE: Appreciate it.

CHAIR COCHRAN: Thank you very much. Okay so it looks like next on our agenda item, our agenda Item is IEM-11(2), and this in relation to orientation workshops by the Department of Public Works. And it looks like we have Director Goode and Deputy Director Ms. Rowena Dagdag-Andaya approaching the floor here. This is, let's see, so the orientation, oh and at this point we shall take a very brief recess. We are now in recess. . . .(gavel). . .

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**RECESS: 2:40 p.m.**

**RECONVENE: 2:41 p.m.**

CHAIR COCHRAN: . . .*(gavel)*. . . Will the Infrastructure and Environmental Management Committee please reconvene. Thank you for that brief recess. We just had to reprogram our PowerPoint and also have some papers distributed here. Members, I forgot to...I neglected to make my recommendation for the last Item IEM-53, without objections, it will be deferred.

COUNCILMEMBERS: No objections.

COUNCILMEMBERS VOICED NO OBJECTIONS. (Excused: DG)

**ACTION: DEFER pending further discussion.**

**ITEM NO. 11(2): ORIENTATION WORKSHOP BY THE DEPARTMENT OF PUBLIC WORKS**

CHAIR COCHRAN: Thank you. Okay. So we are now back to IEM-11(2) and we will be receiving a presentation from Department of Public Works. And we have Director Goode and Deputy Director Dagdag-Andaya to give us a presentation on the MS4 Storm Water Program. And, again, this is another item I wanted to prepare us a little better for the upcoming Budget Session. And, at this point, I shall turn the floor over to Director...Deputy Director, okay.

MS. DAGDAG-ANDAYA: Thank you, Chair; and thank you, Members. We just wanted to thank you for giving us this opportunity to provide a supplemental presentation to the one that we made before the Committee on January 12, 2015. If you recall from that meeting, what we did was we had Matt Kurano from the Department of Health make a presentation to provide the Members with a brief overview of what the MS4 program entails. And just as a reminder, MS4 stands for Municipal Separate Storm Sewer System. We also provided you with some information as to what Maui County is currently doing. But, today's presentation, what we wanted to do was give you a matrix of the items that we have calendared for this calendar year 2016. So before you, you have three documents. The top document is our calendar for the year of all the different activities that we're doing as it relates to the six program elements of our MS4 program. The second handout that you have, on the 11x17 page, is our organizational chart. Now this is currently in draft form, but it involves or it gives you information as to what our three department divisions are currently handling with respect to the MS4 program. And then also, in addition to that, what we've preliminarily have laid out was the possibility of creating an additional division called the Storm Water Division. Now this is something that the Department of Health has suggested. But I wanted to remind or let the Councilmembers know that this is still in draft form, we're still making some changes to the program. And then the final handout, which is on the 8½x11, is the...basically the chart written in Word form. So

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I know it's really difficult to read. I think that's probably like a point, a four point font. So what we've done was, we've enlarged it onto the 8½x11. And I understand that today's meeting is very...your Committee meeting is pretty packed with a lot of items; so what we wanted to do was just give you these documents for you to review and to also let you know that this is what we're currently doing. We've engaged the services of a contractor Kennedy/Jenks to assist us with the development of the permit, the NPDES permit and also to help us prepare all of our activities for the calendar year. Now these activities involve the development. If you take a look at your first handout, the calendar, develop an organizational chart. And it shows what we intend to do with this or what we've been doing with this is seeing how are current divisions, you know, what kind of tasks or assignments each division will be responsible for. And also part of the development of the org chart is to also see where all the other departments fall. Because it's not just under Public Works, it also involves the cooperation of the other departments within the County of Maui. And then it goes onto provide you all of our activities for public education and outreach, illicit discharge detection and elimination, construction site runoff control and pollution prevention, good housekeeping, what we're currently doing here in the County of Maui. But other than that, Chair, if you have any questions, my Director and I are here to help answer them for you.

CHAIR COCHRAN: Okay. Thank you very much, Deputy Director. Members, yes, we'll start with Mr. Hokama and work our way down then. Mr. Hokama?

VICE-CHAIR HOKAMA: Thank you, Madam Chairman. So we can understand it right, the consultant is to help the County go through a non-point permit, discharge permit or to help the County develop a non-point discharge permit for County use? Okay, I mean I'm trying to understand what is the consultant supposed to do for us?

MR. GOODE: Okay.

CHAIR COCHRAN: Go ahead, Director.

MR. GOODE: Thank you, Madam Chair and Members of the Committee. Good afternoon, Dave Goode here, Public Works. The consultant has helped us in a couple different stages. First, getting the permit application to the Department of Health by March of last year. Getting to the Department of Health a storm water management plan--which I think was due the end of October of last year--and now helping us to implement the plan. And know, what you see on the spreadsheet are all the steps time lined out in that plan at least what we have now. And you can see it's a lot of studying and kind of getting the pieces ready for further implementation as we begin this process of pretty much being permanently under this permit.

VICE-CHAIR HOKAMA: Okay. Thank you for that clarification. So this is basically for the County to do County projects. Is that a good understanding? This permit review? So when you go and do a road improvement project and you got a drainage ditch on the side this would take care of that permit requirement for that drainage ditch?

MR. GOODE: No, no.

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VICE-CHAIR HOKAMA: No.

MR. GOODE: No, the NPDES permit there's --

VICE-CHAIR HOKAMA: Okay. First let me just...maybe I'm making a bad connection. So this has nothing to do with what the EPA is trying to do with their new Waters of the US rule promulgation?

MR. GOODE: No, not that I'm aware of. No, this is another part of the Clean Water Act that is triggered when municipalities get over 50,000 people in a particular urbanized area; or if there was a suit brought on by a private party, could also trigger the need. I guess potentially there's overlap between the two. But, in this program, there's really these six program areas that we need to focus on. And some of it's education, some of it's improving our best management practices on construction sites, and sites when they're completed, and how they'll be really treating storm water to get the quality the storm water higher, cleaner I should say. And other activities, like starting to piece together, in GIS layers, our storm water system which we currently have through a series of as-builts where we have our infrastructure. Ultimately with the goal, you know, with the water that passes through our urbanized areas comes out cleaner than it currently does.

VICE-CHAIR HOKAMA: Just need less people. Okay. Thank you, Director.

CHAIR COCHRAN: Thank you, Mr. Hokama. Member Crivello, did you have some questions or comments?

COUNCILMEMBER CRIVELLO: Not at the moment, thank you.

CHAIR COCHRAN: Not at this time okay. And, Mr. White?

COUNCILMEMBER WHITE: This seems like a huge undertaking. At what point does the responsibility fall on individual landowners? And is there any statute in place, that you're aware of, that places the onus on individual owners as opposed to Public Works for the County of Maui?

MS. DAGDAG-ANDAYA: Chair?

CHAIR COCHRAN: Yes.

MS. DAGDAG-ANDAYA: Council Chair White, that's something that we'd have to look at with our Code. So part of the duties of the, Kennedy/Jenks, our engineering consultant is that they assist us in looking at our Codes and seeing how we can revise them. And another part of the six elements is to also educate landowners and developers on what their responsibilities are and how they need to assist us in moving forward with this program.

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COUNCILMEMBER WHITE: Just looking down the list of responsibilities, it's a huge undertaking and I don't know how the County's gonna be able to do it on their own. And so I give you a lot of credit for trying to chew this one through. So but thank you for bringing it to us, it's certainly something all of us would like to see move forward. But I'm just not clear to me just yet how easy that's going to be. So, thank you, Chair.

CHAIR COCHRAN: Yeah. Thank you. I hear your concerns, Mr. White. And, Member Baisa?

COUNCILMEMBER BAISA: Thank you, Chair. And thank you Public Works, for being here this afternoon. I'm very intrigued with this storm water division. I think it's a really, really important thing, you know, after what we've been through for the past couple months with water everywhere, it really I think merits a lot more attention and it's a big job. And really have no questions at this time 'cause I'm sure you guys are still trying to figure out how to, you know, get it all up and going and get it funded and functional so I'll wait awhile and come back and I'll ask you how it's doing in a bit. Thank you very much. Thank you for taking it on.

CHAIR COCHRAN: Thank you, Ms. Baisa. Mr. Carroll, did you have any comments, questions for Department?

COUNCILMEMBER CARROLL: Not at this time.

CHAIR COCHRAN: Okay, thank you. And so, Department, this storm water division is not currently in place or you looking to create and add? So are we looking at additional budgetary items coming up then as in...and is...can you shed a little more light on that or...

MS. DAGDAG-ANDAYA: Chair, in this current Fiscal Year Budget coming up, the FY '16 Budget, we do have a request in there to move the program along. But we don't have a request at the current moment for positions; that's something that we are still developing. One of the suggestions from the Department of Health in their technical program assessment, I don't know if you recall, you can recall, but back in November, the Department of Health was here and had interviewed our Department as well as interviewed some of the other departments as to what we're currently doing. And one of the suggestions that the State had was to ask us to evaluate various funding options for the storm water quality program. So that's something that we're going to need to undertake, I mean there have been various suggestions pointed out to us. One of the good things is that the Department of Health is also willing to help us by providing funding that they currently have and that's for training purposes. And, but other than that, we'll need to explore our various funding options to get that storm water division created.

CHAIR COCHRAN: Okay. Yes, Mr. Hokama?

VICE-CHAIR HOKAMA: You view this more of a Federal mandate or a State mandate?

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MR. GOODE: We're kind of jan ken po'ing to see who answers. It's a Federal mandate for sure and it's been delegated to the State. But, you know, both EPA did come along on that visit--Ms. Dagdag mentioned--in November, along with our consultant so they're very keen to have people comply. And, in this case, they weren't here as in an audit role, but more of a, now you're getting your feet off the ground kind of a role, how can we help you, which...

VICE-CHAIR HOKAMA: They can help pay the bill.

MR. GOODE: Yeah, we asked for that. Interestingly, two other sections within DOH have visited us since then. One with the grant funding that was mentioned for particular types of small projects, but also...was it, SRF funding. We can be eligible now SRF loans; so that I think currently is like 1 percent money instead of whatever we've been getting, 2½, 3 percent money. But on the grant side, it's minimal at best. So that's why I think in this current fiscal year as well as the coming Fiscal Year, it will be a General Fund expense while we explore opportunities for other fees. And currently in the Legislature, there's a bill to give the counties authority to implement storm water districts. Doesn't say we have to do it. But it sets forth the authority under HRS and so that bill is winding its way through. I think it's still alive both House and Senate versions.

VICE-CHAIR HOKAMA: That still doesn't pay the bill. They just telling me that affluent group areas can get projects done better than poorer project areas. That don't help me. Well, we'll see what happens with Waters of the US, Chair. Because I got no problem taking the Feds to court on overreaching County land use jurisdiction.

CHAIR COCHRAN: Thank you, Mr. Hokama. We'll be keeping an eye that. And Department, my question it says in your Engineering Division, storm water quality activities and responsibilities. I'm just looking at the--what is this, 8x12 sheet, not the big handouts--storm water injection well permits and management. How does that relate to our wastewater injection wells? Are we...is that considered...do we inject storm water there, also, on really heavy rain events and are you folks somehow affiliated with that process there?

MR. GOODE: Yeah, Chair, we have a couple...not a couple, we have a few dry wells in the County, mostly in Kahului; and essentially they're dry, you know, 345 days a year, and then the rest of those other days they do take rain water. So they're in low areas where there's no other place to take the water.

CHAIR COCHRAN: Okay. So they're collected and then they're injected down. And we have --

MR. GOODE: Basically, it's just gravity. It just falls in the...

CHAIR COCHRAN: Oh, just gravity fed down.

MR. GOODE: Yeah, just falls in.

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CHAIR COCHRAN: But and so I guess they don't approach any aquifer or any drinking water source so no NPDES permits are required for these?

MR. GOODE: Yeah. I think there's an injection well. They still call it an injection well.

CHAIR COCHRAN: A UIC.

MR. GOODE: A UIC permit.

CHAIR COCHRAN: Right. But NPDES is not asked for?

MR. GOODE: Not that I'm aware of, no.

CHAIR COCHRAN: Okay. Alright, just curious. And I guess, Members, any further discussion on this with Department?

VICE-CHAIR HOKAMA: So, Chair?

CHAIR COCHRAN: Yes, Mr. Hokama?

VICE-CHAIR HOKAMA: It's just for us to kind of help self-police ourselves. This whole division, this is not about property owner coming in and asking the County to assist with one NPDES permit, right?

MR. GOODE: Yeah, it's to manage our permit --

VICE-CHAIR HOKAMA: And our projects.

MR. GOODE: --and our projects. And, ultimately, you know, some of the work, you know, we've hired these consultants for who have expertise in this areas to transfer that knowledge to ourselves so we can do it. But also to better coordinate project reviews for best management practices during construction and after construction, and ongoing changes with the permit which will happen from about every three years.

VICE-CHAIR HOKAMA: So since you informed the Committee earlier about this 50,000 population number, this whole division's only about central Maui that so-called MPO circle? Is that...this is all that...this is gonna have jurisdiction over that circle of 50,000 that the Feds arbitrarily drew all over this island?

MR. GOODE: Initially there'd be parts that would probably be just applicable to that area. There would be other parts...for instance, if an ordinance is passed about illicit discharge--you know, you can't dump your oil or what have you--that would have to be Countywide. Our BMPs that we have are Countywide currently. I also mentioned that, you know, Department of Health has made it clear to us that they would like to see it be Countywide.

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VICE-CHAIR HOKAMA: Well, they can enforce and go pay their employees to do the job then.

MR. GOODE: Right. So that's something we're still negotiating with them on.

VICE-CHAIR HOKAMA: You know, I got not too much aloha for the State who just keeps recommending, but making us pay for the bill. So if it's a mandate, then they gotta put up the money. So I would wait till they mandate us. I don't feel to be too, you know, we got enough bills to take care right now. I don't need more bills to worry about. Thank you, Chair.

CHAIR COCHRAN: Thank you, Mr. Hokama. And so, Department, looking back at your Engineering Division proposal for this new division, its storm water quality activities responsibilities, so I see that double asterisk means, indicates new responsibility; and the single asterisks are change revisions to current responsibilities. Then the last two on this list, chronic erosion control areas (identify potential projects). So that's a double asterisk, so that's something you would like to implement. And again I guess focusing on Mr. Hokama's question as in it's just within this new MPO designated area although as we know in West Maui this type of issues occur in just about everywhere else. But so is this something that would be sort of a common-sense, no-brainer Countywide thing you'll be looking into?

MR. GOODE: Yeah, I think.

CHAIR COCHRAN: Chronic erosion control areas.

MR. GOODE: Yeah, Chair, I think for a couple reasons of...I mean you mentioned West Maui and that's a primary watershed, also for the Department of Health. You know, our goal is to, you know, keep the permit conditions and requirements, you know, as minimal as possible so that we can grow into this program and not be a failure. You know, we don't wanna take on too much at one time. On the other hand, we also wanna be able to tackle the problem areas, you know, and make a difference. So it's kind of a balancing act. So it's identifying where those problem areas are and being able to tackle 'em, but also not be under too strenuous a permit condition that we can't meet 'cause we don't have the resources. And so, we know we have to get going in the program. We don't wanna be, I think as Mr. Hokama indicated, you know, forced down our throat here without proper funding. But we also wanna, you know, help make the situation better.

CHAIR COCHRAN: Yeah. Okay. Well good to know, and good to hear you say that. And your other double asterisk is coordinate drainage complaints with storm water quality issues. So I guess this is where your...it could be coordinating and also the identify potential projects may not necessarily be just the County project or a County drainage, or so obviously we are working with private entities and people, you know, private landowners, you know, so be it of that nature so.

MR. GOODE: If I could add to that, I think partnerships are the way to make that happen. On the west side, we're already partnering with a couple of groups over there. You

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know, as relates...in particular, some of the storm water events we've had this winter season and this week, later this week we're gonna be with the central Maui, Soil and Water Conservation District. They have, you know, as part of their mandate always been interested in this type, these types of activities. And look forward to meeting with them, but they would certainly be a potential partner in this central area where the original permit need came from.

CHAIR COCHRAN: Okay. Well, thank you very much, Department. Members, if there's no further discussion with Department, I wanna thank them for their time and efforts in this draft proposals. And looking forward to hearing more I guess during this Budget Session. Right, okay. Okay. Well, thank you, Director and Deputy Director. And, Members, it's about that time of day. Did you folks wanna take about a ten-minute break and come back at 3:15, and finish up, are you guys good? You wanna, yeah, you wanna take a break? Okay, we shall be in recess for...till 3:15, we're now in recess. . . .(gavel). . .

**RECESS: 3:05 p.m.**

**RECONVENE: 3:18 p.m.**

CHAIR COCHRAN: . . .(gavel). . . Will the Infrastructure Environmental Management please reconvene?

**ITEM NO. 15: GRANT OF SEWERLINE EASEMENT TO WARMENHOVEN SPIRIT TRUST AT MAKENA ROAD (MAKENA) (CC 15-46)**

CHAIR COCHRAN: Thank you for the brief break, Members, and we are now on IEM-15, Grant of Sewerline Easement to Warmenhoven Spirit Trust at Makena Road (Makena). And this is County--where is it?--County Communication 15-46, from Director of Public Works, whom we have here, Director Goode, transmitting a proposed resolution entitled Authorizing the Granting of an Easement to Warmenhoven Spirit Trust. And the purpose of this proposed resolution is to grant Warmenhoven Spirit Trust a perpetual easement of 3,289 square feet for a private sewerline and appurtenant equipment at 4538 Makena Road, Makena, Maui, Hawaii. And we can consider passage of adopting this proposed resolution with or without revisions and filing of this County Communication. So, at this point, I shall turn this over to Director Goode for opening comments for this item. Director Goode?

MR. GOODE: Okay. Thank you, Chair. Members, the subject matter is regarding a private sewer line in this portion of Makena. As you may know, the sewer system is part of Makena Resort, so it would need to use our lines to get to the nearest...or, excuse me, use our roadways to get to their nearest already private sewer lines. And so we've had these, a number of times in the past on the Old Makena Road. And the exhibits and easements meet our specifications and are consistent. I'm pretty confident with the other ones we've granted in the past. And that's it.

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CHAIR COCHRAN: Okay. Thank you, Director. And, Members, did we have any further discussion or questions for Director on this?

VICE-CHAIR HOKAMA: Chair?

CHAIR COCHRAN: Yes, Mr. Hokama?

VICE-CHAIR HOKAMA: The project's done already, Director?

MR. GOODE: I don't think so. I don't think they'd be able to construct without having the easement unless they did it at their own risk.

VICE-CHAIR HOKAMA: Okay. They're gonna cold patch it or hot resurface the easement...

MR. GOODE: They have to do...they may cold patch it temporarily, but they have to come back and do a hot mix, yeah.

VICE-CHAIR HOKAMA: Okay. Good, I'm done.

CHAIR COCHRAN: Okay. Thank you, Mr. Hokama. Members, any other questions, concerns, or anything? So, Director, the grant agreement had stated that granting must acquire insurance policy that names the County, and do you know if that has been done? Or maybe this is for Corporation Counsel. I'm not sure if you're a little more...and what the status of this policy is and...

MR. GOODE: Yeah, Chair, the...if this passes the Council and then the full Council, we would then be in a position to record the easement, and either just prior to recordation or immediately thereafter, we would make sure that the insurance is received in a form that's consistent with the agreement and meets Risk Management's review.

CHAIR COCHRAN: Okay. Just so it's not forgotten and yeah. And also I think...I'm not sure if this is a big sticking point, but in regards to the grant recipient being the trust or the trustee, and if there's an issue with that or it needs to be clarified? And I guess, Ms. Thomson?

MS. THOMSON: Chair? Thank you, Chair. So the easement as drafted is correct. So the difference between a trust and a trustee. The trustee holds the legal ownership while the trust is the vehicle of ownership. So it's akin to a corporation where a president will sign on behalf of the corporation and the title is held in the name of the trustee rather than the trust.

CHAIR COCHRAN: Okay. So it's okay that it's to the trustee who's...okay, alright, just...

MS. THOMSON: Right, that's how it should be.

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CHAIR COCHRAN: Okay, very good. Just wanted to double check and make sure all our documents are in a row. And okay, well without further discussion or needs for clarification, I shall make my recommendation.

COUNCILMEMBERS: Recommendation?

CHAIR COCHRAN: Thank you. I will entertain a motion to recommend adoption of the proposed resolution entitled Authorizing the Granting of an Easement to Warmenhoven Spirit Trust and incorporating any nonsubstantive revisions and filing of County Communication 15-46.

VICE-CHAIR HOKAMA: So move.

COUNCILMEMBER CRIVELLO: Second.

CHAIR COCHRAN: Thank you. It's been moved by Member Hokama and seconded by Ms. Crivello, and to recommend adoption of the proposed resolution and incorporating any substantive [sic] revisions and filing of County Communication. So, Members, with that, do we have any further discussion? Seeing none, all those in favor, say, "aye".

COUNCILMEMBERS: Aye.

CHAIR COCHRAN: Any opposed, say, "no". I see no opposed, so motion passes with six "ayes", one excused.

**VOTE: AYES: Chair Cochran, Vice-Chair Hokama and Councilmembers Baisa, Carroll, Crivello, and White.**

**NOES: None.**

**ABSTAIN: None.**

**ABSENT: None.**

**EXC.: Councilmember Guzman.**

**MOTION CARRIED.**

**ACTION: ADOPTION of resolution and FILING of communication.**

CHAIR COCHRAN: And thank you very much, Members. And again I've neglected to defer the previous item we discussed which was IEM-11(2). So, Members, without objections, I shall defer that item.

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COUNCILMEMBERS: No objections.

COUNCILMEMBERS VOICED NO OBJECTIONS. (Excused: DG)

**ACTION: DEFER pending further discussion.**

**ITEM NO. 13: DISPOSITION OF HUI ROAD "G" (NAPILI)** (CC 15-45)

CHAIR COCHRAN: Thank you very much. Just trying push us through this agenda and we're doing a great job. Thank you very much, Members. And, also, those...if we need to stay a little later today that you've agreed to. And now we're on to IEM-13. And this is Disposition of Hui Road "G", in Napili. And this here is County Communication 15-45. And this is given from Director of Finance and we have Deputy Director Mark Walker here. Aloha, welcome. Transmitting a proposed resolution entitled Authorizing the Disposition of Government Remnant Parcel Hui Road "G" Situated at Napili, Maui, Hawaii, Pursuant to Chapter 3.44, Maui County Code. And the purpose of the resolution is to authorize the disposition of Hui Road "G" containing 6,990 [sic] square feet, at Napili Kai Beach Resort, at 5505 Lower Honoapiilani Highway, Napili, Maui, Hawaii. And we may recommend adoption of this proposed resolution with or without revision and also filing of this County Communication. I also see Mr. Guy Hironaka here with us, too. So, at this point, I shall turn the floor over to Department of Finance, Public Works, Director Goode is also here, so opening comments gentlemen, whoever would like to go first?

MR. GOODE: Okay, Madam Chair. I'll start, we can talk about the road portion, and Mr. Walker can talk about the disposition.

CHAIR COCHRAN: Okay.

MR. GOODE: But this small remnant is Hui Road "G"; and I think, Chair, as you know, on the west side, there's a number of Hui roads. Starting with "A", it may end at "G", it may go higher, I don't know. But I do know that "A" and "G" are owned by the County. "B" through "F", it's been stipulated that somehow the Second Circuit Court owns them; so that's another matter for another day. But, today, Hui Road "G" was clearly not a roadway, not been a roadway for a very long time, as you can see by some of the documents, it's basically behind the Napili Kai and I think its Napili Point if that's correct.

MR. NELSON (*from gallery*): Napili Kai Beach Resort.

MR. GOODE: Napili Kai Beach Resort. Thanks, Mr. Nelson. And so as such we didn't have a need for it; however, we do have a need for a drainage easement, on a portion of a sewer line easement in that area. There's a significant drain line that does run underneath that. That's part of our drainage system. I believe it connects up to a sedimentation basin up above of which I think the Napili Kai was probably instrumental in putting together way back when. So, in any case, it was determined

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we did not need the roadway so there's a process by which these types of roads can be disposed, and we went through that process. So we're at the point today where it meets all those needs and that's all I have on my side.

CHAIR COCHRAN: Thank you, Director Goode. And Deputy Director Walker, did you have comments?

MR. WALKER: Well, I guess my only comment is it's my understanding, which is scant at best, that the County has been trying to dispose of this Hui Road for a number of years and originally had a bidder that, I guess, either didn't understand or and bid way too high. The appraised value was much less than that and they didn't want to be on the hook and they backed out. We've since gone out and contacted all the contiguous property owners again. And there's only one bidder that was interested which is Napili Kai, and we've gone through that process and the appraisal process. We've reached an agreement, we've got all our paperwork together, and it's the Finance Department's recommendation to move this forward to Council. Thank you.

CHAIR COCHRAN: Thank you. Thank you, Director. And, Members, we do have the general manager of Napili Kai Beach Resort here if you folks have any pressing questions to ask of himself and so he is here. Yes, Mr. Walker.

MR. WALKER: Madam Chair, and we do, as mentioned, we have Guy Hironaka, our real property specialist here at the County who has the voluminous history of this proceeding. So if there's any real specific questions, he can certainly, hopefully, produce the documents required.

CHAIR COCHRAN: Okay. Well very good. Thank you and thank you, Mr. Hironaka, for being here. So, Members, you have all the people here at your disposal if you so choose to have some questions answered. So, Mr. White, you have this look that you wanna go first.

COUNCILMEMBER WHITE: Well, I think this seems like a pretty straight-forward deal. If I understand this correctly the document that was provided to us this afternoon is a perpetual easement to Napili Kai Resort for that same parcel. So they've basically had control and responsibility for the parcel since 1986. And it's a...I believe it's a perpetual easement; so even if somebody else were to buy it, I think the easement would still be in place. And doesn't allow anything to be constructed there and it's theirs to maintain. So I think this is a...if Napili Kai thinks it's a fair deal, then I think we should go along with the recommendations of the Department.

CHAIR COCHRAN: Okay. Thank you, Mr. White. Members, any...yes, Ms. Baisa?

COUNCILMEMBER BAISA: Thank you very much, Chair. I'd just like to thank you for bringing this on the agenda. You know, in researching the matter, it appears this has been pending for a long, long, long, time; and I'm just really glad that we're here today to wrap it up and put it away. You know, these kinds of things just tend to linger and

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linger and linger and when everything's in a row we better get it taken care of, because we may have new players again and here we go again. So thank you very much.

CHAIR COCHRAN: Yes, you're very welcome, Ms. Baisa. Members, any further discussion needed? And so I guess all the housekeeping type, you know, items have been discussed and looked at and that's why it's here presented to us today to accept. But and I think, Mr. Walker, you mentioned...my first initial thing was--as you stated, Ms. Baisa, it's been around a long time--why has it been sitting around a long time, and I think there was, I guess, a bid and then it set things back. Is that what you were explaining a little earlier as to why the process?

MR. WALKER: Yeah, I mean this is the second round, and I can't explain exactly why it took this long, but this is the second round. The first round took a long time and then, I guess, we reloaded and went again and again. I don't have the time line in front of me. It was before I was here but I, you know, if you need the real detailed info I think Mr. Hironaka could speak to that. But, you know, it probably took longer than it should have. It has taken a long time, but I think we've sort of see the light here at the end of the tunnel and hopefully we can move it forward today.

CHAIR COCHRAN: Okay. Thank you. And, I guess, as in regards to the appraisal, it still stands. Is that...would that, Mr. Hironaka, would that be a question to yourself to you?

MR. HIRONAKA: The appraisal was effective the date of the bid, so that's why it's more than six months old. But we, you know, we had to get an appraisal updated for the bid and they were willing to match the appraisal value.

CHAIR COCHRAN: Okay. And that's twenty-two five?

MR. HIRONAKA: Twenty-two five, because initially it was a lower value when we did the first round. But when we did the second round, we got the appraisal updated and came up with a higher value.

CHAIR COCHRAN: Okay. And I guess there was someone who had put in like a, I don't know \$200,000 bid or some sort at one time in history.

MR. HIRONAKA: Right, that was correct, because they were not aware of the perpetual easement.

CHAIR COCHRAN: Oh got it.

MR. HIRONAKA: So they thought they could charge Napili Kai back rent for the land. And then once they did their due diligence, they realized they had made a mistake and so they then backed out at the last minute before they went through with the purchase.

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CHAIR COCHRAN: Okay. Yeah, better look at every detail. And then, I guess, in regards to Napili Kai and the agreement with the terms of the sale, it's agreed upon and in place and good to go?

MR. HIRONAKA: Yes.

CHAIR COCHRAN: At this point?

MR. HIRONAKA: There was the term and conditions that were stated in the bid.

CHAIR COCHRAN: Okay, very good. That's all I have so, Members, any need for further discussion? Otherwise, I shall make my recommendation.

COUNCILMEMBERS: Recommendation?

CHAIR COCHRAN: Thank you very much. I will entertain a motion to recommend adoption of the proposed resolution entitled Authorizing the Disposition of Government Remnant Parcel Hui Road "G" Situated at Napili, Maui, Hawaii, Pursuant to Chapter 3.44, Maui County Code, and incorporating any nonsubstantive revisions, and filing of County Communication 15-45.

VICE-CHAIR HOKAMA: So move.

COUNCILMEMBER CRIVELLO: Second.

CHAIR COCHRAN: It's been moved by Member Hokama and seconded by Ms. Crivello. And, Members, at this point any further discussion? Seeing none, then we shall, I'll call for the vote, all those in favor, say, "aye".

COUNCILMEMBERS: Aye.

CHAIR COCHRAN: Any opposed? Seeing no one opposed, motion carries with six "ayes", one excused.

**VOTE: AYES: Chair Cochran, Vice-Chair Hokama and Councilmembers Baisa, Carroll, Crivello, and Guzman.**

**NOES: None.**

**ABSTAIN: None.**

**ABSENT: None.**

**EXC.: Councilmember Guzman.**

**MOTION CARRIED.**

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**ACTION: ADOPTION of resolution and FILING of communication.**

CHAIR COCHRAN: Thank you very much, Members, congratulations Napili Kai. And thank you, Department, for all your due diligence on this matter. And it looks like we are on the final, oh yeah, we're on our final item of the day.

VICE-CHAIR HOKAMA: Very good.

CHAIR COCHRAN: Let me take a brief recess to check in and see make sure we have all our Department heads here. We are in a brief recess. . . .*(gavel)*. . .

**RECESS: 3:35 p.m.**

**RECONVENE: 3:37 p.m.**

CHAIR COCHRAN: . . .*(gavel)*. . . Environmental Management Committee please reconvene.

**ITEM NO. 9: ELIMINATING BUILDING CODE EXEMPTIONS FOR  
CONSERVATION DISTRICT AND HAWAIIAN HOME  
LANDS (CC 13-135)**

CHAIR COCHRAN: And, Members, yay, we're on our last and final Item, IEM-9, and it's Eliminating Building Code Exemptions for Conservation District and Hawaiian Home Lands. And this particular County Communication 13-135, dated April 11, 2013, from Councilmember Mike White, transmits a proposed bill entitled A Bill for an Ordinance Amending Section 16.26B.101, Maui County Code, to Eliminate Exemptions in the Building Code of the County of Maui, Relating to Lands Within the Conservation District or Lands Designated as Hawaiian Home Lands. And the purpose of this proposed bill is to eliminate Building Code exemptions for property within Conservation District and property designated as Hawaiian Home Lands. We may recommend passage on first reading of this bill with or without revisions. And then consider filing of this County Communication. At this point, I would like to turn the floor over to the introducer of the matter, Member White, and if you have any opening comments in regards to this.

COUNCILMEMBER WHITE: Thank you, Madam Chair.

CHAIR COCHRAN: You're welcome.

COUNCILMEMBER WHITE: I think it's important to go back to what initiated this measure. And that was that we were finding that projects on Conservation lands were not being required to have a building permit. So, in many cases, a project would get built and the County wouldn't know about it, and the Real Property Tax Assessment Division didn't know about it, and so there was no taxes collected. And that occurred in one

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case out in Kapalua where there was a home was built for over \$1 million and no one was aware. So they weren't paying taxes or being billed. And we've had other projects in Conservation lands constructed without permits as well. The other issue that was brought up I believe by the Real Property Tax Division was the issue of collecting the taxes owed by the Department of Hawaiian Homes on the...they're not taxed on their land but they're taxed on the structure. And we have I believe the same issue there where because there's no building permit required, the County doesn't get notice when something is constructed and, therefore, there's no record with which to establish a tax value. And in the DHHL lessees handbook it states, building requirements, building structures or improvements must meet building and zoning codes and other ordinances and regulations of the respective counties. The construction of building structures or improvements need to receive DHHL approval prior to installation. And so DHHL themselves requires that they follow the Building Codes. Kauai and Oahu provide no exemption the way Maui does. So anyone who's...they don't provide exemption for either Conservation lands or DHHL lands. So by moving forward on this, we would simply be doing the same thing as both Kauai and Oahu are currently doing. So, thank you for bringing this forward and I look forward to the discussion.

CHAIR COCHRAN: Thank you, Member White. Yes, Ms. Crivello?

COUNCILMEMBER CRIVELLO: Thank you. I cannot support the portion of this bill that talks about Hawaiian Home Lands. I can understand the Conservation District. And, you know, as a homesteader, you really can't build on your land unless you have the approval from the department. And the department will direct you to get the necessary permits. We also need to check further on the property tax that has been paid by the islands of Kauai and Oahu. We're being assessed according to the actual evaluation or of the dwelling that's on the homestead lot. The other what I would like to, I would like to see it, you know, just end period at Conservation District. And that's just my opinion. I been born and raised as a homesteader and I'm still a homesteader, and I value what we bring to the homestead lives of our Hawaiian families. And, you know, if the department is--and I'm talking about the Department of Hawaiian Homes--we should hold them responsible in following through as to how they are requiring their lessees to hold up to their responsibilities and I think that's of value. At one time, Oahu's property tax for homesteaders--and I don't know if it has changed--was \$100 flat rate, and that was their property tax. So and I don't understand Kauai's assessed values, how they do it. So to do something comparative, the exemption, I have personally gone through the process including a community project that we are still in the process of constructing. 'Cause we're very community-based where I come from and that's Molokai. Everything is community-based, but we're not gonna try and we're not really allowed to bypass the requirements and that's on the requirement of the Hawaiian Home Lands Commission that we have to go before them. So I cannot support this on a basis where it includes Hawaiian Home Lands. And if we're having multi-million dollar homes on Conservation lands, shame on us for allowing that to pass through, yeah. Thank you.

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CHAIR COCHRAN: Thank you, Ms. Crivello. Okay, Members, before further discussion, I'll have comments from Department. So Finance and Public Works, Mr. Teruya, whoever would have...you have some comments?

MR. WALKER: I would just say Finance has no comment at this point. But as you mentioned, Scott Teruya, our Real Property Assessment Administrator is here for any technical questions you may have related to taxes, et cetera.

CHAIR COCHRAN: Okay. Did Mr. Teruya have any opening comments at all? Not at this time? And thank you for Mr. Teruya for making it as quickly over on a plane to us.

MR. TERUYA: Thank you. At this time, I don't really have any real comments. I think just to let you know that the permitting process is our trigger for notification. So if we're not, if there's no building permit process, currently there's no really real way for us to be identified or notified of a building being placed on a property, so that's my only comments at this time, thanks.

CHAIR COCHRAN: Thank you, Mr. Teruya. And, Members, there was a letter from DLNR, the Office of Conservation and Coastal Lands Department had sent me a...to my office so I've distributed to all of you. Because in their comment, in regards to just the Conservation District--so it doesn't...like Ms. Crivello's stating, has nothing to do with the Hawaiian Home Lands portion I believe--and they support this measure, in regards to having to oversight on Conservation lands that they themselves oversee. So I just wanted to make sure that you folks had received that. And in the meantime, Members, the floor is open for discussion on this for any more comments or...and, at this point, you know, it hasn't been signed off. I'd like comment from Corporation Counsel, too, on this, 'cause I don't believe it's been officially signed off by your folks' Department.

MS. THOMSON: Thank you, Chair. You're right, we would appreciate the opportunity to comment and also to respond to any questions that come up today. And a couple of issues that, you know, that I noted in reading it that I'd like to address before it moves out of Committee would be I'd recommend that we coordinate with DHHL and have their comments and review on how this would affect their system. It's true that their State administrative rules do require residential lessees to comply with the Building Code, Zoning, and other ordinances of the counties. I don't know right now the effect on commercial property so DHHL lands that are not used for residential purposes, and I think that, that would be an area that we should look into at this, you know, prior to making major changes. And then also potentially looking at the Plumbing and Electrical Codes if we are going to make a change with regard to the Building Code it makes sense to also look at changes to those other sections. The other area I think that would be important to look into is what this would mean for enforcement. So enforcement of Building Code or Electrical/Plumbing violations how those would be handled. Whether the County would be expected to bear those duties and a cost associated or whether that would require coordination of some sort with DHHL. So I think those issues should probably be fleshed out a little more fully.

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CHAIR COCHRAN: Thank you very much. And, I guess, the question, oh...yes, Mr. Carroll?

COUNCILMEMBER CARROLL: Thank you, Chair. We're talking about taxes over here, but this bill is also affecting other things I believe. I can document, I have in my office somebody from Hawaiian Homes Upcountry. The roofer went over there and put shingles on without the paper underneath. And I have some from down over here complaints about housing that was improperly built because it wasn't inspected. And I don't know if that was early resolution for that one Upcountry with the roof, and I know the others were pretty hard hit and ended up biting the bullet. So I don't know if this would affect that and have a little bit more control, so people don't get burned, and that's one of my concerns. The taxes, well, to tell you the truth, I'm not particularly worried about over there with that, but the quality of building. And I don't know how this would be a positive effect to address the abuses that contractors and others have taken advantage of the Hawaiian community in Hawaiian Homes, but I'd like to look at that some more. Thank you.

CHAIR COCHRAN: Thank you, Mr. Carroll. And, Members, any further...yes, Mr. White?

COUNCILMEMBER WHITE: I think the point that Mr. Carroll brings up is one of the important points of this. And that is that if there is no building permit requirement, then people are basically allowed to do what they chose. And if they end up having to give up their lease for some reason, then the next lessee is gonna be the one suffering the consequences of a building that's not properly put together as Mr. Carroll pointed out, so there are a lot of reasons that we should take a close look at this. And I certainly understand and appreciate Ms. Crivello's concerns. And I'm more than happy if you'd like to take a little closer look at the ramifications, it seems fairly straightforward to me, but just to remove a couple of sentences so I'm not sure we need a full signoff. But if you'd like to take a look at other implications, I'm certainly comfortable with that.

CHAIR COCHRAN: Okay. Thank you, Mr. White. And I had a question for Public Works in regards to...if this bill were to pass. The existing structures, would they be required to obtain retroactive I guess type permits? Has that ever been looked at or is there? Has that been done or would that need to be looked into?

MR. GOODE: That's a good question. It's probably something Corp. Counsel needs to look into. But I can tell you that, at one point, we didn't have a Building Code in Maui County. So I think it was 1953 or something like that; so we always view structures built prior to that as being legal conforming, but obviously not built to any Code. So that might be one of the ways we look at some of these structures on the Conservation District --

CHAIR COCHRAN: Okay.

MR. GOODE: --going forward. Any improvements that they do subsequently would have to meet our Codes for those improvements.

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CHAIR COCHRAN: Okay, very good. Or I guess another question is improvements, too. So it's not like an entirely new building, you know, so I guess not just something's built but then if you have something and you wanna just add on or whatever the improvements might entail. That, too, you would consider it the original I guess dwelling was built prior to such a bill passed. But anything additional to the existing would need to be permitted and what have you go through the new rules and regs?

MR. GOODE: Correct. So new work would have to comply to the current requirements.

CHAIR COCHRAN: Right.

MR. GOODE: And, Chair, if I may?

CHAIR COCHRAN: Yes.

MR. GOODE: Also like to expand a little bit on what Ms. Thomson said about plumbing and electrical. Exact same language is in our Plumbing and Electrical Codes. And so if it makes sense that, that be incorporated into the bill and have it all done one time. I did have our staff run through our other permits and there's no other similar exemptions in any of our other construction codes; so basically just Building, Plumbing, and Electrical.

CHAIR COCHRAN: Okay, very good. Okay, Members, any other questions needed from our Departments? Yes, Mr. Hokama?

VICE-CHAIR HOKAMA: Chair, conceptually, I can support the proposal. I have a problem with people thinking this is still the Wild Wild West and anything goes. And so maybe, you know, I don't have a problem deferring it, 'cause I think there's questions of the Committee that we should try and see if we can get some additional information. 'Cause I'd be curious, if they don't get permits, then obviously they cannot qualify and get home insurance. So is this something we need to at least make people aware that part of the permitting is to ensure that you can insure your property? Because it's a legal structure, there's an assessed value by the County as part of the recordation and documents of your property. But for me it's also about everyone paying their fair share for services in this County. Whether you a homesteader, a visitor, whatnot, there's a cost to fire protection, police protection, safe roads, public parks. So, for me, it's about fairness, also, of the various taxing components that pay the bill for this County community of ours; so I look at it from that standpoint, also. But I think, for one, we all have our thoughts of the Department of Hawaiian Home Lands, and I would agree with my colleague from Molokai, that department needs to be more stand-upish, take more responsibility, and do their job. They keep pointing to the beneficiaries, but who's responsible for the beneficiaries? The department. You know, they can blame the beneficiaries all they want, but in the end of the day, who sets up the process, who should be assisting the beneficiary? Is the Department. So from the current director on down, for me, I have a total lack of confidence in their ability to perform for the beneficiaries. And my disappointment is, Maui County's still gonna be unpaid for what is responsibly due to our taxpayers. And this is not a commission

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decision, the commission supported paying their debt. This is a administrative and departmental management problem as I see it. And I find it very discouraging that the beneficiaries has a department that has basically no leadership, in my estimation. And so maybe this will help bring it to a forefront because, for me, I know what Council did in the past. They passed a resolution to waive penalties and interest, but that Council has come and gone. So, for me, penalties and interest is back on the ledger. And that's the bill we should be sending to the department with penalties and interest, 'cause I'm tired of waiting. Thank you, Chair.

CHAIR COCHRAN: Thank you for sharing your comments, Mr. Hokama. Yes, Mr. White.

COUNCILMEMBER WHITE: Thank you. If Mr. Teruya has the number off the top of his head, I'm just wondering what the outstanding balance is of the amount that Mr. Hokama was referring to.

MR. TERUYA: The last I checked, I think it nears 700,000 including penalty and interest. Somewhere around that, half being penalty and interest and half being the principal.

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

CHAIR COCHRAN: Thank you, Mr. White. And, Members, any need for further discussion? So my intent today is not to pass this out as is. Definitely we have a lot more work coordination. Definitely would like to have Department of Hawaiian Home Lands chime in if they so choose. But I guess, Mr. White, you had sent this, did it originally have DHHL incorporated into it?

COUNCILMEMBER WHITE: Yes.

CHAIR COCHRAN: 'Cause I, there was? Oh okay, and I see --

COUNCILMEMBER WHITE: And it was --

CHAIR COCHRAN: --Mr. Teruya nodding his head, too.

COUNCILMEMBER WHITE: --yeah, and it was partially because of the challenges that we'd had in collecting the taxes, and it was brought up that some of the structures weren't even in the tax roll because they had no building permit; and, therefore, the department, as Mr. Teruya mentioned, had not been notified of their existence. So we had that exact same problem on Hawaiian Home Lands as we had on Conservation lands.

CHAIR COCHRAN: Okay. Yeah, I recall the Conservation 'cause it was a home right by my --

COUNCILMEMBER WHITE: Right.

CHAIR COCHRAN: --my home. A big aerial shot of that one. But okay so, Department, any further need for...yeah, Mr. Teruya?

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MR. TERUYA: Just a quick comment, you know, I think several years ago we started to implement the use of pictometry and aero imagery. And the Council had, you know, provided us some funding to do some check verification, and these are the measures that I hope the this Council can also support going forward, because we did use this aero imagery with pictometry to capture one of these homes that were on the ocean front on Conservation lands. Just to FYI, I think the Council gave us like 95,000 for pictometry, and this one house alone had captured about a 166,000 in back taxes. So you can imagine, you know, the imagery is very important. It does help us, but you're not gonna catch everyone. But so it's kind of like a stop-gap measure that we've been using to identify some omitted structures. So thank you, Chair.

CHAIR COCHRAN: Thank you for sharing that, Mr. Teruya. I guess pictures are worth not just a thousand words, but quite a few dollars too.

VICE-CHAIR HOKAMA: Big Brother does work.

CHAIR COCHRAN: Okay. Well, Members, I thank everyone very much. My recommendation is to defer this item for now.

COUNCILMEMBERS: No objections.

COUNCILMEMBERS VOICED NO OBJECTIONS. (Excused: DG)

**ACTION: DEFER pending further discussion.**

CHAIR COCHRAN: Thank you. And we shall revisit. But it looks like we have accomplished all of our items today and we have no further business scheduled. So, with that, this meeting is adjourned. Thank you. . . .(gavel). . .

**ADJOURN:** 3:59 p.m.

APPROVED:



ELLE COCHRAN, Chair  
Infrastructure and Environmental  
Management Committee

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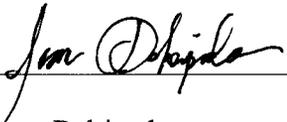
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CERTIFICATE

I, Jean Pokipala, 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 the 8th day of April, 2015, in Wailuku, Hawaii

  
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Jean Pokipala