

COUNCIL OF THE COUNTY OF MAUI
WATER RESOURCES COMMITTEE

October 15, 2004

Committee
Report No. 04-186

Honorable Chair and Members
of the County Council
County of Maui
Wailuku, Maui, Hawaii

Chair and Members:

Your Water Resources Committee, having met on September 29, 2004, makes reference to County Communication No. 03-211, from the Council Chair, regarding the matter of legal issues relating to the County's policies on the issuance of water meter reservations, including the possible retention of special counsel.

Your Committee notes that it previously reported on this matter through Committee Report No. 04-143, which recommended that a resolution entitled "AUTHORIZING ADDITIONAL COMPENSATION FOR SPECIAL COUNSEL IMANAKA KUDO & FUJIMOTO FOR WATER-RELATED MATTERS" be adopted. The purpose of the resolution is to authorize additional compensation for special counsel in the amount of \$60,000, for a total of up to \$70,000. At its meeting of August 24, 2004, the Council adopted Committee Report No. 04-143 (Resolution No. 04-122).

By correspondence dated August 12, 2004, the Mayor commented on the Council's water responsibilities.

By correspondence dated September 22, 2004, the Chair of your Committee transmitted a draft bill entitled "A BILL FOR AN ORDINANCE REGARDING THE WATER METER ISSUANCE RULE FOR THE UPCOUNTRY WATER SYSTEM". The purpose of the draft bill is to allow the water meter issuance rule to remain in effect notwithstanding the rule's termination provisions, to the extent the rule conforms to the Revised Charter of the County of Maui (1983), as amended.

By correspondence dated September 24, 2004, the Chair of your Committee informed your Committee of a confidential report dated September 20, 2004, received from special counsel Imanaka Kudo & Fujimoto.

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At its meeting, your Committee met with the Director of Water Supply; a Deputy Corporation Counsel; and special counsel, Benjamin Kudo, Esq. and Jamie Cheng, Esq. of Imanaka Kudo & Fujimoto

There was no public testimony.

Mr. Kudo provided a brief overview of the terms of the employment of special counsel, and requested the opportunity to discuss special counsel's September 20, 2004 report in an executive meeting.

Your Committee voted to convene an executive meeting for the purpose of consulting with legal counsel on liability issues in the matter, pursuant to Section 92-5(a)(4), Hawaii Revised Statutes.

At its executive meeting, your Committee met with the Director of Water Supply; a Deputy Corporation Counsel; and special counsel, Benjamin Kudo, Esq. and Jamie Cheng, Esq. of Imanaka Kudo & Fujimoto.

Following the executive meeting, your Committee reconvened in regular session.

Your Committee discussed the draft bill and voted to recommend passage of the bill on first reading.

Your Committee is in receipt of a proposed bill, approved as to form and legality, by the Department of the Corporation Counsel.

Your Water Resources Committee RECOMMENDS that Bill No. _____ (2004), attached hereto, entitled "A BILL FOR AN ORDINANCE REGARDING THE WATER METER ISSUANCE RULE FOR THE UPCOUNTRY WATER SYSTEM", be PASSED ON FIRST READING and be ORDERED TO PRINT.

Adoption of this report is respectfully requested.

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DANNY A. MATEO **Chair**

DAIN P. KANE **Member**

CHARMAINE TAVARES **Vice-Chair**

MICHAEL J. MOLINA **Member**

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WAYNE K. NISHIKI **Member**

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