

COUNCIL OF THE COUNTY OF MAUI
WATER RESOURCES COMMITTEE

July 2, 2010

Committee
Report No. _____

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

Chair and Members:

Your Water Resources Committee, having met on June 1, 2010, makes reference to the following:

1. County Communication No. 06-279, from former Councilmember Michelle Anderson, relating to the Upcountry Water Meter Priority List (Upcountry Priority List); and
2. Bill No. 7 (2010) entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 14.13, MAUI COUNTY CODE, RELATING TO WATER METER ISSUANCE PROVISIONS FOR THE UPCOUNTRY WATER SYSTEM". The purpose of Bill No. 7 (2010) is to grant applicants for water service, whose premises are on the Upcountry Priority List, a period of five years from the date of the issuance of a water meter reservation to make water system improvements that may be required by the Director of Water Supply.

Your Committee notes that it previously reported on this matter through Committee Report No. 10-11, which recommended that a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 14.13, MAUI COUNTY CODE, RELATING TO WATER METER ISSUANCE PROVISIONS FOR THE UPCOUNTRY WATER SYSTEM" be passed on first reading and be ordered to print. At its meeting of February 5, 2010, the Council adopted Committee Report No. 10-11.

Your Committee further notes that at the Council meeting of February 19, 2010, the Council referred Bill No. 7 (2010) to your Water Resources Committee because of concerns raised by testifiers regarding the legality of the Upcountry Priority List.

Your Committee notes that all County water service applicants are currently allowed two years, after receiving a water meter reservation, to complete water system improvements that may be required by the Director, after which two time extensions of six months may be granted. If the water system improvements are not completed by the

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end of this time, the water service reservation expires and the person requesting water service must reapply for a water meter.

Your Committee further notes that Bill No. 7 (2010) allows applicants for water service, whose premises are on the Upcountry Priority List, five years to complete water system improvements, after which the applicant may request two time extensions of six months. If the water system improvements are not completed by the end of this time, the water service reservation will expire, the premises will be removed from the Upcountry Priority List, and the person requesting water service must reapply for a water meter.

At its meeting, the Chair of your Committee explained that Bill No. 7 (2010) does not relate to the legality of the Upcountry Priority List. Bill No. 7 (2010) extends from two to five years the time provided to applicants for water meter services, whose premises are on the Upcountry Priority List, to complete water system improvements.

Your Committee voted 7-0 to recommend that Bill No. 7 (2010) be passed on second and final reading. Committee Chair Victorino, Vice-Chair Pontanilla, and members Baisa, Kaho'ohalahala, Mateo, Medeiros, and Molina voted "aye".

Your Committee **RECOMMENDS** that Bill No. 7 (2010), attached hereto, entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 14.13, MAUI COUNTY CODE, RELATING TO WATER METER ISSUANCE PROVISIONS FOR THE UPCOUNTRY WATER SYSTEM", be **PASSED ON SECOND AND FINAL READING**.

This report is submitted in accordance with Rule 7 of the Rules of the Council.



MICHAEL P. VICTORINO, Chair

ORDINANCE NO. _____

BILL NO. 7 (2010)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 14.13, MAUI COUNTY CODE,
RELATING TO WATER METER ISSUANCE PROVISIONS FOR
THE UPCOUNTRY WATER SYSTEM

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Section 14.13.040, Maui County Code, is amended by amending subsection B to read as follows:

"B. The director shall [continue to maintain] annually update the priority list of premises applying for new or additional water service from the upcountry water system."

SECTION 2. Section 14.13.050, Maui County Code, is amended by amending subsection A to read as follows:

"A. [An applicant] When an applicant owning property on the priority list requesting new or additional water service [for a premise] is approved for such service, the applicant shall be notified in writing by certified mail, return receipt requested, at the address submitted on the application."

SECTION 3. Section 14.13.060, Maui County Code, is amended to read as follows:

"14.13.060 [Issuance of water meters.] Installation of water meters and issuance of water meter reservations. A. If additional source for the upcountry water system becomes available, the director shall process applications for water meters in the order of the priority list up to the average day capacity of any additional source with allowance for the department's operational standards.

B. Prior to the installation of a water meter, an applicant shall complete water system improvements to the premises and/or to the department's water system, provided that the improvements are necessary to meet the water system requirements set forth in this article, or to meet the fire protection requirements pursuant to the County's fire code.

C. If an applicant is unable to accept water service immediately, the department may issue a reservation for water service up to the requested

allocation available at the time the request is made, all in accordance with the department's existing rules and regulations.

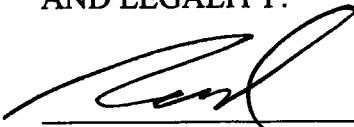
For water meter reservations affecting the department's upcountry water system, an applicant shall have five years from the date of the issuance of a water meter reservation to complete the water system improvements, after which time the reservation shall expire and the premise shall be removed from the priority list.

An applicant may apply for two time extensions of up to six months each, provided that any request for an extension of time shall be received by the director at least thirty days before the associated expiration date."

SECTION 4. Material to be repealed is bracketed. New material is underscored. In printing this bill, the County Clerk need not include the brackets, the bracketed material, or the underscoring.

SECTION 5. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM
AND LEGALITY:



EDWARD S. KUSHI, JR.
Deputy Corporation Counsel
County of Maui

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DIGEST

ORDINANCE NO. _____
BILL NO. 7 (2010)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 14.13, MAUI COUNTY
CODE, RELATING TO WATER METER ISSUANCE PROVISIONS FOR
THE UPCOUNTRY WATER SYSTEM

This bill proposes to grant applicants for water service, whose premises are on the Upcountry Priority List, a period of five years from the date of the issuance of a water meter reservation to make water system improvements that may be required by the Director of Water Supply.


I, JEFFREY T. KUWADA, County Clerk of the County of Maui, State of Hawaii, DO HEREBY CERTIFY that the foregoing BILL NO. 7 (2010) was passed on First Reading by the Council of the County of Maui, State of Hawaii, on the 5th day of February, 2010, by the following vote:

AYES: Councilmembers Gladys C. Baisa, Jo Anne Johnson, Sol P. Kaho`ohalahala, William J. Medeiros, Joseph Pontanilla, Michael P. Victorino, and Chair Dennis A. Mateo.

NOES: None.

EXCUSED: Councilmember Wayne K. Nishiki and Vice-Chair Michael J. Molina.

DATED at Wailuku, Maui, Hawaii, this 8th of February, 2010.



JEFFREY T. KUWADA, COUNTY CLERK
COUNTY OF MAUI, STATE OF HAWAII

Copies of the foregoing Bill, in full, are on file in the Office of the County Clerk, County of Maui, for use and examination by the public.