

BOARD OF WATER SUPPLY
COUNTY OF MAUI

REGULAR MEETING
THURSDAY, JUNE 24, 2010

Held at the Department of Liquor Control
Conference Room, David Trask Building, Room 105,
Wailuku, Maui, Hawaii, commencing at 09:02 a.m.

Transcribed from the audio recording by Gaye
Hayashida, Commission Support Clerk, Department
of Water Supply, County of Maui.

1 A P P E A R A N C E S

2

3 BOARD MEMBERS:

4 Michael Howden, Chair

5 Phyllis Robinson, Vice Chair

6 Kevin Boteilho

7 Patricia Eason

8 Donald Gerbig

9 John Hoxie, Jr.

10 Ted Yamamura

11

12 STAFF PRESENT:

13 David Galazin, Deputy Corporation Counsel

14 Ellen Kraftsow, Water Resources &

15 Planning Program Manager

16 Jacky Takakura, Administrative Assistant

17 Gaye Hayashida, Commission Support Clerk

18

19 OTHERS:

20 Clay Rumbaoa, Castle and Cooke

21 Kelly McGinnis, Executive Assistant to

22 Councilmember Pontanilla

23

24

1 CHAIR HOWDEN: I'd like to call our June
2 24th, 2010 meeting to order. In attendance
3 are Kevin Boteilho, Patricia Eason, John
4 Hoxie, Don Gerbig, Ted Yamamura, and Michael
5 Howden. Ah, taking Ed Kushi's place from
6 Corporation Counsel's office is David
7 Galazin.

8 MR. GALAZIN: Good morning.

9 CHAIR HOWDEN: Ok, and Gaye Hayashida.
10 Jacky Takakura here from the media section
11 of the department. And, Ellen Kraftsow is
12 expected momentarily for the presentation on
13 Lana'i. Any announcements?
14 (silence)

15 CHAIR HOWDEN: Ok, might we, are there any
16 changes or deletions to the minutes from our
17 last meeting?

18 MEMBER GERBIG: I have a question. Horcajo
19 submitted some written testimony..

20 CHAIR HOWDEN: Yeah.

21 MEMBER GERBIG: Ah, can we get a copy of
22 that or I would like a copy.

23 MS. HAYASHIDA: I'm sorry, I didn't include
24 it the minutes. Yeah, I do have copies. I

1 will get them out.

2 MEMBER GERBIG: Ok. You going to include
3 that with the minutes? Or should we?

4 MS. HAYASHIDA: It should've been part of
5 the minutes...

6 MEMBER GERBIG: Oh, good.

7 MS. HAYASHIDA: But I did not include it.
8 I can send them separately...

9 MEMBER GERBIG: His written, the written
10 one the...

11 MS. HAYASHIDA: His...

12 MEMBER GERBIG: His written presentation,
13 yeah?

14 MS. HAYASHIDA: Whatever he handed out,
15 yeah.

16 MEMBER GERBIG: Yeah, yeah. That'll, ok.

17 CHAIR HOWDEN: Yeah, was on the appeals
18 process. How incredibly slow we are. Ok,
19 might we have a motion on the minutes?

20 MEMBER GERBIG: So moved...

21 MEMBER YAMAMURA: Second.

22 MEMBER GERBIG: That we accept the minutes.

23 CHAIR HOWDEN: And seconded by Ted
24 Yamamura. Those in favor?

1 (a chorus of ayes)

2 CHAIR HOWDEN: Well, other than public
3 testimony, Ellen would be next. So, why
4 don't we begin with our public testimony?
5 We have Clay Rumbaoa from Castle & Cooke.
6 Mr. Rumbaoa, please come forward.

7 MR. RUMBAOA: Good morning, chair and,
8 chair, Chair Howden and board members. I
9 actually want to wait 'til after Ms.
10 Kraftsow came in and transmitted the
11 document to you folks. I could hear what
12 her, what she's gonna say. So, I'd rather
13 wait after she's done with her...

14 CHAIR HOWDEN: Yeah, we, I, I, if it's, the
15 board's in agreement I'd be happy to defer
16 your testimony.

17 MR. RUMBAOA: Ok.

18 MR. MCGINNIS: I don't need to testify.

19 CHAIR HOWDEN: You're...

20 MS. HAYASHIDA: He's from council...

21 MR. MCGINNIS: Just observing.

22 CHAIR HOWDEN: Shy and retiring today, ok,
23 good, ok. So right now we're, will note
24 that Phyllis Robinson, our vice chair is

1 here. Only a few minutes late. Remarkable.

2 So, Gaye...

3 MS. HAYASHIDA: Did you want to go on...

4 CHAIR HOWDEN: I think one thing we might
5 wanna do is talk about the logistics for the
6 Lanai hearing.

7 MS. HAYASHIDA: Ok, as I previously emailed
8 you and Phyllis, the community center is
9 closed for renovations in August to
10 November, so, they also have a senior center
11 but that's closed too. There is the public
12 library and they're gonna be closed in
13 August. We can get the, Hale Mahaolu has a
14 center that I think the LWAC uses. They're
15 pretty much booked up in August. We can go
16 in July but I was thinking and if it's ok
17 with, I don't know how it would be ok with
18 the LWAC members but we could have our
19 public hearing after their regular meeting
20 if they would be so kind to give us their
21 time. Because they do have room reserved
22 until 4 o'clock. But that's the only
23 alternative, hold it in August and use
24 their, their meeting time for public hearing

1 or hold the public hearing in July. And
2 because of budget constraints we try not to
3 keep the members overnight, we want you guys
4 back on the ferry at 6, the last ferry
5 leaves at 6 something.

6 MEMBER HOXIE: So, what time would the
7 meeting be then? I mean if it's during the
8 day. Would it be at 10 or 11 or 1.

9 MS. HAYASHIDA: Could be 1 o'clock, 2
10 o'clock and then the meeting...

11 MEMBER HOXIE: Come back.

12 MS. HAYASHIDA: And come back.

13 MEMBER GERBIG: But are you talking about a
14 weekday or...

15 MS. HAYASHIDA: It has to be a week day.

16 VICE CHAIR ROBINSON: So what are the
17 chances that the public is gonna be able to
18 show up and meeting that time of day?

19 Seems, seems like a lot our time and effort
20 to go over there to only have 2 people show
21 up because it's at such an odd time.

22 MS. HAYASHIDA: Because if, if you wanna
23 hold it on a weekend then staff is not
24 authorized to get overtime so, I'm sure if,

1 I probably won't be able to go. And then
2 also if we come back, we stay overnight then
3 we'd have pay for our overnight stay. I
4 don't know if that's gonna be...

5 MEMBER GERBIG: How many, how many staff
6 are involved in this?

7 MS. HAYASHIDA: Well, the director
8 certainly has to go I think or a
9 representative from his office, and me.

10 MEMBER GERBIG: Who else?

11 MS. HAYASHIDA: That's it. I don't know
12 who else; and probably Ellen will be there
13 and then maybe, I don't know if Ellen, like
14 at the last public hearing, we've had
15 Ellen's staff also available there too. So
16 I don't know how many staff. So we're
17 looking at...

18 MEMBER YAMAMURA: What happens in this
19 circumstance?

20 MR. GALAZIN: When you try to have a meeting
21 and you can't get...?

22 MEMBER YAMAMURA: Well, where you don't
23 have money and yet you're mandated to hold
24 public hearings?

- 1 MEMBER GERBIG: May I comment?
- 2 CHAIR HOWDEN: Please, Don.
- 3 MEMBER GERBIG: On what Phyllis, I, I,
4 agree with her. I don't think we're gonna
5 get any attendance during the week. The
6 only way to get any attendance for anybody
7 is on a Saturday maybe.
- 8 MS. HAYASHIDA: You can do, I mean that's up
9 to the board.
- 10 MEMBER GERBIG: Yeah.
- 11 CHAIR HOWDEN: Yeah, I think our..
- 12 MS. HAYASHIDA: We could do it that way.
- 13 CHAIR HOWDEN: Our fiduciary is to the
14 residents of Lanai and I think it would be a
15 disservice to that community to have
16 something middle of day, middle of the week
17 when most people are at work.
- 18 VICE CHAIR ROBINSON: Seems like an empty
19 gesture.
- 20 CHAIR HOWDEN: The only thing we really
21 need to do is bring some kind of sound
22 equipment which we...
- 23 MS. KRAFTSOW: Actually...
- 24 CHAIR HOWDEN: Might we be able to borrow

1 their, do you have, Ellen?

2 MS. KRAFTSOW: Yeah, and usually when I
3 need to do presentations over there, they
4 are kind enough to provide a guy that films
5 and has projectors and has everything so,
6 almost all we need to bring is jump, jump
7 drive and I don't know about sound equipment
8 though. It's usually the places are loud
9 enough that we just talk loud.

10 CHAIR HOWDEN: Well, we're, we're pretty
11 loud.

12 MS. HAYASHIDA: Well, we're gonna have to
13 have the, we also have to pay for the court
14 reporter to be there too. So that's another
15 thing.

16 CHAIR HOWDEN: Ok, which we would anyway
17 so. Don?

18 MEMBER GERBIG: How would we go about
19 getting permission to pay overtime for the
20 county workers that would go...

21 MS. HAYASHIDA: That would be up...

22 MEMBER GERBIG: Is it possible?

23 MS. HAYASHIDA: That would be up to the
24 director but I think we, the directors have

1 been authorized not to authorize any
2 overtime, I don't know. But from what I
3 understand we are not allowed any overtime.
4 But that would be up to the director.

5 MEMBER GERBIG: I see your point. So we
6 would have, could, could we, our chairman
7 correspond with the director and ask him if
8 it would be possible to make an exemption to
9 this rule for Lanai?

10 MS. HAYASHIDA: Yeah, or I don't need to be
11 there. The court reporter will be there,
12 Ellen will be there, the director will be
13 there.

14 MS. KRAFTSOW: We, we can just tape record
15 whatever...

16 MS. HAYASHIDA: Yeah.

17 CHAIR HOWDEN: Yeah.

18 MS. KRAFTSOW: He videos it anyway. So we
19 can actually just like bring, they're kind
20 enough to give us a cd at each...

21 MS. HAYASHIDA: Yeah.

22 MS. KRAFTSOW: Although the sounds not
23 always good but it's pretty, it's better
24 than...

1 MS. HAYASHIDA: But the, the court reporter
2 has her own recorder in her laptop but they
3 always ask for our copy of the recording so
4 if you could bring that.

5 MS. KRAFTSOW: I can bring that.

6 MS. HAYASHIDA: So, that may not be a
7 problem but I, I don't know if he would
8 authorize overtime. I cannot speak for the
9 director so I don't know.

10 CHAIR HOWDEN: John.

11 MEMBER HOXIE: So does it look like we need
12 to have it on a Saturday?

13 CHAIR HOWDEN: Probably a Saturday would be
14 best.

15 MEMBER HOXIE: So we can get over there and
16 back.

17 CHAIR HOWDEN: But what happens on Lanai on
18 Saturday after baseball season?

19 MS. KRAFTSOW: I don't know. We, we've
20 been over, we did the well-head meeting on a
21 weekday and got about 25 participants.

22 We've done, we've done meeting over there
23 where we've had 50, 100 participants so..

24 MS. HAYASHIDA: During the day?

1 MS. KRAFTSOW: That was, that was Castle &
2 Cooke thing so that wasn't like the usual,
3 usually have 9 participants. During the day
4 I've, there, there are 2 people that come
5 regularly no matter what. Probably a better
6 way if you wanna get this out to the public
7 is to present it at one of the planning
8 commission meetings and piggy-back with
9 them. Or we could do it probably not during
10 work hours, no.

11 CHAIR HOWDEN: So, why don't we go for a
12 Saturday afternoon? Y'know we go over in
13 the morning on the ferry and come back on
14 the ferry, those who can.

15 MS. HAYASHIDA: So, how many board members
16 are we...?

17 CHAIR HOWDEN: We, we need at least 5 to
18 have a quorum. And I, I will go.

19 VICE CHAIR ROBINSON: I'd go.

20 CHAIR HOWDEN: Um, Phyllis, Don...

21 MEMBER EASON: What is the date?

22 MEMBER GERBIG: Let me give you the date,
23 potential...

24 CHAIR HOWDEN: We don't have it yet.

- 1 MEMBER GERBIG: Potential dates on Saturday
2 are the 3rd of July, 10th of July, 17th of
3 July...
- 4 MS. HAYASHIDA: Ah, what day, July or
5 August?
- 6 MEMBER GERBIG: You want August?
- 7 MS. HAYASHIDA: I thought the original plan
8 was to hold it in August?
- 9 MEMBER GERBIG: I thought you couldn't find
10 a place in August.
- 11 MS. HAYASHIDA: On a weekday.
- 12 MEMBER GERBIG: Oh, ok.
- 13 MS. KRAFTSOW: It's gonna be maybe even
14 harder on a weekend.
- 15 VICE CHAIR ROBINSON: Have you, have you
16 ever had it in the, in the lodge itself?
17 Have you ever asked for, for use of their
18 facility, 'cause I know the HR director
19 there and I held meetings in the Koele Lodge
20 that maybe he can gives us lunch but...
- 21 MS. KRAFTSOW: Oh really?
- 22 MS. HAYASHIDA: I'm not sure if we have to
23 hold it on like public property.
- 24 VICE CHAIR ROBINSON: Oh, it has to be on

1 public property?

2 MS. KRAFTSOW: Yeah, that makes sense. I
3 think so.

4 MS. HAYASHIDA: I think that's something
5 that our deputy corporation counsel can
6 address but I'm not sure, I would think it
7 would, like all board meetings, has to be on
8 county property or publicly, public
9 property, so that's why.

10 VICE CHAIR ROBINSON: Kinda neutral
11 territory.

12 MS. HAYASHIDA: Exactly.

13 MEMBER YAMAMURA: How about the school
14 cafeteria?

15 MEMBER EASON: Or the gym?

16 VICE CHAIR ROBINSON: Yeah.

17 MS. HAYASHIDA: I, ah, school cafeteria, I
18 haven't called them but because of furloughs
19 I don't know how that would work on a
20 Saturday.

21 MEMBER EASON: Only on the furlough days
22 you can't go on state property.

23 MS. HAYASHIDA: Yeah.

24 MEMBER EASON: So it's usually on a Friday.

- 1 MS. HAYASHIDA: Ok.
- 2 MS. KRAFTSOW: What about Hale Kupuna?
- 3 That's probably the best.
- 4 MS. HAYASHIDA: Hale Kupuna? That's the
- 5 Hale Mahaolu?
- 6 MS. KRAFTSOW: It's clean, like you walk
- 7 in...
- 8 MS. HAYASHIDA: Is that part of the Hale
- 9 Mahaolu one?
- 10 MS. KRAFTSOW: Yeah.
- 11 MS. HAYASHIDA: Ok, I called them. They
- 12 gave me practically all of July is open.
- 13 MS. KRAFTSOW: Ok.
- 14 MS. HAYASHIDA: August weekdays are filled.
- 15 And I was only looking for...
- 16 MS. KRAFTSOW: Weekdays.
- 17 MS. HAYASHIDA: Weekdays. I wasn't looking
- 18 for weekends, Saturdays.
- 19 MS. KRAFTSOW: We can probably get an
- 20 evening there or, a weekday evening or, I
- 21 don't know about a Saturday, we can, we can
- 22 call and check.
- 23 MS. HAYASHIDA: We have to be back on the
- 24 ferry by 6, yeah.

1 MS. KRAFTSOW: Misty, I believe is pretty
2 well in touch with them so she'll know.

3 MS. HAYASHIDA: Yeah, I was in contact with
4 Misty so that's where I got all my
5 information.

6 MS. KRAFTSOW: But I have to tell you
7 something. We have it, the appendices,
8 everything printed out and this morning when
9 we're printing the last chapters; there's a
10 table that is the heart, soul and core of
11 the document, this one table and it's linked
12 to 3 different chapters. So for one 'em I
13 just took it out and gave you an older
14 version and that'll be good enough. Call
15 it done. That's the implementation chapter
16 I just took it out of that. But the
17 executive summary and the recommendations
18 policy analysis can't be without this
19 allocation table. And so, I don't know, I
20 don't think you can count this as a transmit
21 today which, y'know, it's been nice knowing
22 all of you 'cause I'm gonna get fired for
23 this but, it can't, I can't give you a
24 document where the absolute most important

1 table got corrupted. So, I had like 3
2 people working on the table to try to fix it
3 and I think we've gotten it fixed. It's not
4 the way it was but it would be good enough.

5 CHAIR HOWDEN: Well, if you transmit it to
6 Gaye and then Gaye mails the rest to us..

7 MS. HAYASHIDA: Yeah, the problem is when
8 is the date of transmittal letter..

9 MS. KRAFTSOW: The date is today. I
10 probably could have it done by the end of
11 the day.

12 MS. HAYASHIDA: So, the clock would start
13 ticking today?

14 MS. KRAFTSOW: I could probably have it
15 done by the end of the day or I could
16 redraft the letter for Monday when Jeff gets
17 back.

18 MS. HAYASHIDA: So, ok, the problem is how
19 am I gonna get it to the Board members? Do
20 they want it by cd? Because I certainly
21 cannot mail it to them by the time it gets
22 to them it's gonna be like..

23 MS. KRAFTSOW: No, and they don't all even
24 live on Maui, do they?

- 1 MS. HAYASHIDA: Well, Kui's not here so I
2 mean I can transmit...
- 3 MS. KRAFTSOW: Does the mailing count, does
4 the mailing count as a transmittal?
- 5 MEMBER HOXIE: We have 6 months, right,
6 from the transmittal date, right?
- 7 CHAIR HOWDEN: Yeah.
- 8 MS. KRAFTSOW: Yeah, but I don't think Ed
9 Kushi would allow me to call it because Carl
10 had done an analysis and an appendix that
11 was on the web already that inadvertently
12 didn't get transmitted so that's why I was
13 wanting to have everything to transmit to
14 you.
- 15 CHAIR HOWDEN: David, any comments?
- 16 MR. GALAZIN: No, I mean, if it, if Ed said
17 something, if that's something he's been
18 working on then I would just leave it to his
19 judgment on it. He and I have not spoken
20 about this particular matter so.
- 21 CHAIR HOWDEN: Yeah, why don't you try to
22 get it in at least to Gaye and then...
- 23 MS. HAYASHIDA: I can make cd's...
- 24 CHAIR HOWDEN: And, and you must have a

- 1 computer form it...
- 2 MS. KRAFTSOW: I can, I...
- 3 CHAIR HOWDEN: Where it could be sent to us
4 as pdf or something.
- 5 MS. HAYASHIDA: Might be too big to be
6 transmitted as a pdf.
- 7 MS. KRAFTSOW: It's a Adobe Framemaker
8 document so, it's definitely too big to
9 transmit but...
- 10 MS. HAYASHIDA: I could, the only thing is
11 I could...
- 12 MS. KRAFTSOW: For the ones that live on
13 Maui I could just drive and hand deliver it
14 to you but for the ones...
- 15 MEMBER HOXIE: Or we could pick it up too.
- 16 MS. KRAFTSOW: But for the ones that don't
17 live on Maui...
- 18 (several people speaking at the same time)
- 19 MEMBER YAMAMURA: Oh yeah, we can pick it
20 up.
- 21 MEMBER HOXIE: It's not, no big deal.
- 22 CHAIR HOWDEN: We can come by the
23 department and pick it up. I mean that's...
- 24 MS. HAYASHIDA: I can call you.

1 CHAIR HOWDEN: Yeah. John's...

2 MEMBER HOXIE: Yeah, yeah.

3 CHAIR HOWDEN: Yeah. Is that, is that all
4 right with members of the board to...

5 VICE CHAIR ROBINSON: To what?

6 MS. HAYASHIDA: Pick up.

7 CHAIR HOWDEN: Pick, pick up our copies.

8 VICE CHAIR ROBINSON: By today?

9 MS. KRAFTSOW: Or give me a place to drop
10 it and I'll drop it over the weekend
11 sometime. That'll be fine too.

12 MS. HAYASHIDA: Ok, so...

13 MEMBER HOXIE: I think it's important that
14 it gets done, y'know, correctly.

15 MS. KRAFTSOW: Yeah.

16 MEMBER HOXIE: And so y'know, I mean if it
17 takes a few more days.

18 MS. KRAFTSOW: Yeah.

19 MS. HAYASHIDA: I mean a few more days is
20 not gonna break us if the transmittal is
21 dated today. But technically, y'know the
22 clock starts ticking and it's on the agenda
23 that you are transmitting the documents to
24 us today.

1 MS. KRAFTSOW: Yeah.

2 MS. HAYASHIDA: So if the public calls
3 y'know...

4 MS. KRAFTSOW: Yeah.

5 MS. HAYASHIDA: That's the thing, but...

6 MS. KRAFTSOW: The problem is, is even
7 though we figured it out but it's not the
8 same as before but it's good enough, is that
9 all the numbers and every chapter tie back
10 to each other.

11 CHAIR HOWDEN: Yes.

12 MS. KRAFTSOW: And so I wanna see at least
13 if I can make it the way it was. And I can
14 tell you what the problem is, is in the
15 allocation table we use the community plan,
16 elasticity forecast, the community plan
17 escalation factors that Carl Freedman had to
18 derive for me to apply to water in Lanai.
19 We escalated by those coefficients. They're
20 called escalation coefficients, for the
21 demand and we used an elasticity of 1.5,
22 which is a little bit generous, it's more
23 generous than even South Maui but it's not
24 out of the ball park, so that we'd give 'em

1 some flexibility. And then we tried to see
2 what would happen if we did that, could we
3 build out Phase 2 at least of the project
4 district without exceeding the State Water
5 Commission's demand trigger of 4.3. To make
6 it all work obviously we had to have some
7 conservation and reclaim water. Well, if
8 you add all this stuff up, everything that's
9 pumping is also generating a certain amount
10 of losses, a certain amount of unaccounted
11 for water, right. So if you want your
12 numbers to add up at the bottom and people
13 get really upset when numbers don't add up
14 even when they're in a few percent. You
15 have to take the unaccounted for water that
16 you would, y'know every bit you're pumping
17 is creating some unaccounted for water.
18 Conservation doesn't just offset your
19 pumping, it also offsets some of the
20 unaccounted for water. But to get it to
21 work out right, you have to take the
22 unaccounted for water and distribute it
23 across, these tables are on demand streams.
24 They're not on well sources because they're

1 wanting to see how much of this place can
2 build out, how much of that place can build,
3 right? So you have to take the unaccounted
4 for water that you're offsetting and
5 reapportion it to each portion of the demand
6 stream. In addition to the regular
7 escalation and then you have to make sure
8 all your formulas are working and then
9 y'know if, just y'know one, one error and I
10 was too stupid at the wee, this morning to
11 just even like realize I that I was
12 destroying my whole file.

13 VICE CHAIR ROBINSON: Ha, ha, ha, poor
14 Ellen.

15 CHAIR HOWDEN: Don't worry, Ellen. Don't
16 worry.

17 MS. KRAFTSOW: So.

18 CHAIR HOWDEN: Yeah, no, you've had, you've
19 done great. And so this is..

20 MS. KRAFTSOW: No, there's really no excuse
21 for this but it is what it is.

22 CHAIR HOWDEN: So, so, but..

23 MS. KRAFTSOW: I'm not gonna transmit it
24 like this, regardless.

1 CHAIR HOWDEN: Ok, yeah. When, when, when
2 you're ready give it to us. Give it to Gaye
3 and then we'll come by and pick it up.
4 MS. HAYASHIDA: Can we get like a firm
5 date, like.
6 MS. KRAFTSOW: Firm date, Monday.
7 Absolutely, hands down...
8 MS. HAYASHIDA: Monday.
9 MS. KRAFTSOW: No doubts. So, yeah.
10 MS. HAYASHIDA: So Monday, hopefully I will
11 be...
12 MS. KRAFTSOW: And maybe even today.
13 MS. HAYASHIDA: Ok. So hopefully by Monday
14 I will contacting the board members...
15 MEMBER HOXIE: Yeah.
16 MS. HAYASHIDA: And if you're willing to
17 pick it up I will have it.
18 MEMBER HOXIE: Not a problem.
19 MS. HAYASHIDA: Otherwise, if you want it
20 on cd...
21 MS. KRAFTSOW: But then there's the issue
22 of, if it, if I don't make it today and need
23 to have Jeff sign another trans, he's not
24 gonna be happy about this. I need to ask

1 him to sign another transmittal letter,
2 right? Because we can't say today's date...
3 MS. HAYASHIDA: It wasn't transmitted
4 today.
5 MS. KRAFTSOW: If it's not transmitted and
6 I have a tif (tagged image file) of his
7 signature I could put in but I can't do that
8 without his permission.
9 CHAIR HOWDEN: Yes. No problem.
10 MEMBER HOXIE: Do it right.
11 MEMBER EASON: No problem.
12 MS. KRAFTSOW: Ok.
13 CHAIR HOWDEN: So do you want to give your
14 presentation?
15 VICE CHAIR ROBINSON: (laughing)
16 MS. KRAFTSOW: That was my presentation.
17 (laughter)
18 CHAIR HOWDEN: That's it?
19 MS. KRAFTSOW: Didn't I give one last
20 month?
21 VICE CHAIR ROBINSON: Yeah, we got, we got
22 people..
23 MS. KRAFTSOW: Oh, your orientation
24 presentation.

- 1 MS. TAKAKURA: Yeah, for the new members...
- 2 CHAIR HOWDEN: That's our orientation.
- 3 MS. HAYASHIDA: But I think Mr., oh.
- 4 CHAIR HOWDEN: Well, I thought Jacky was
5 with the Lanai thing too.
- 6 MS. HAYASHIDA: Mr. Rumbaoa, would you like
7 to speak?
- 8 CHAIR HOWDEN: Ok, then we have Mr.
9 Rumbaoa.
- 10 MEMBER HOXIE: So, what, what about the
11 date? Are we just gonna let that..
- 12 CHAIR HOWDEN: Let that be Monday.
- 13 MS. KRAFTSOW: So, do you want the, the
14 notebooks without those chapters for now?
15 Or should I just leave them in my car until
16 we have everything?
- 17 MS. HAYASHIDA: Leave 'em in your car until
18 you get it all together.
- 19 CHAIR HOWDEN: Yeah, let's just get it..
- 20 MS. KRAFTSOW: That's why I only carried 4
21 in instead of..
- 22 MS. HAYASHIDA: Don't confuse them.
- 23 CHAIR HOWDEN: In straight form, and John,
24 you're talking about what date we're gonna

- 1 go.
- 2 MEMBER HOXIE: Yeah, we should tentatively
3 pick a date.
- 4 MS. HAYASHIDA: August? Definitely?
- 5 CHAIR HOWDEN: Ok.
- 6 MS. HAYASHIDA: Is that what you're asking
7 for?
- 8 MEMBER HOXIE: What about July?
- 9 MS. KRAFTSOW: No, not July.
- 10 CHAIR HOWDEN: August, August 21st or
11 something like that.
- 12 MS. HAYASHIDA: Ok.
- 13 CHAIR HOWDEN: No? Ok, August at all?
- 14 MEMBER GERBIG: Seventh and twenty-eighth.
- 15 CHAIR HOWDEN: What?
- 16 MEMBER GERBIG: I'll be here.
- 17 CHAIR HOWDEN: Twenty-eighth.
- 18 VICE CHAIR ROBINSON: Uh, twenty-eighth I
19 will not be here. I'll be on Kauai.
- 20 MS. HAYASHIDA: August. We're looking at
21 August.
- 22 MEMBER HOXIE: How about July?
- 23 CHAIR HOWDEN: How about the 14th?
- 24 VICE CHAIR ROBINSON: Fourteenth?

1 MEMBER GERBIG: Gone.

2 CHAIR HOWDEN: You take long vacations. We
3 need Phyllis.

4 (several people speaking at the same time)

5 MEMBER HOXIE: We need 5, right?

6 MR. GALAZIN: Chair, if I may...

7 CHAIR HOWDEN: Yeah.

8 MR. GALAZIN: Comment on an earlier point
9 raised. Just to get back to what, what you
10 said before in terms of where the meeting
11 has to be held. Sunshine Law basically
12 requires, because it's opening up
13 deliberations and discussions of (inaudible)
14 functions, the ultimate intent is that this,
15 these meetings be held in a place where it's
16 available to every member of the public to
17 come. There are certain limit, exceptions
18 where by meetings can be held on private
19 property or locations that are not open to
20 everyone, but the public, but certainly if,
21 the idea is to get everybody there. I urge
22 a lot of caution and make sure that it is
23 indeed held in a, in a public location. So
24 that's my 2 cents. If it's impossible there

1 are, there are alternatives.

2 MS. HAYASHIDA: There are ways to get
3 around, yeah.

4 CHAIR HOWDEN: Ok, how about July 31st?

5 MEMBER GERBIG: What?

6 CHAIR HOWDEN: July 31st.

7 MEMBER GERBIG: Yeah.

8 MEMBER HOXIE: Ok.

9 VICE CHAIR ROBINSON: Just that my GET is
10 due on that day.

11 CHAIR HOWDEN: What?

12 MEMBER YAMAMURA: (inaudible)

13 CHAIR HOWDEN: You're what?

14 VICE CHAIR ROBINSON: It's fine.

15 CHAIR HOWDEN: Ok.

16 MS. HAYASHIDA: So which of the board
17 members are volunteering? Michael, Phyllis...

18 CHAIR HOWDEN: Don.

19 MS. HAYASHIDA: Don.

20 MEMBER GERBIG: Thirty-first. That what
21 you're talking? Yeah.

22 MS. HAYASHIDA: Yeah.

23 CHAIR HOWDEN: Thirty-first of July.

24 MEMBER EASON: I can make it.

1 CHAIR HOWDEN: Oh, so when will you be
2 available? Fired or not, y'know.

3 MEMBER EASON: That's the one on Lanai.

4 MS. HAYASHIDA: And any, Ted? You gonna go?

5 MEMBER GERBIG: Thirty-first?

6 MS. HAYASHIDA: Cannot?

7 MEMBER YAMAMURA: If you need me I'll go.

8 MS. HAYASHIDA: Ok.

9 MEMBER EASON: Me too. If they need me
10 I'll go.

11 MS. HAYASHIDA: Ok.

12 MEMBER HOXIE: So how many do you have?

13 MS. HAYASHIDA: Four. Kevin, Michael,
14 Phyllis and Don.

15 MEMBER YAMAMURA: Who's not here? Kelli
16 and...

17 MS. HAYASHIDA: Kelli and Kui not here.

18 MEMBER YAMAMURA: Kui.

19 MEMBER HOXIE: I'll go.

20 MS. HAYASHIDA: Ok. John. I mean, we
21 could have more.

22 CHAIR HOWDEN: Yeah, Kui might want to
23 come, y'know.

24 VICE CHAIR ROBINSON: And what, do we have

- 1 a, a, a time that would work...?
- 2 CHAIR HOWDEN: We'd have to work out
3 availability with Ellen too, so. Sure.
- 4 MS. KRAFTSOW: I haven't...
- 5 CHAIR HOWDEN: Ok.
- 6 MS. HAYASHIDA: I have to look at my files
7 but seem pretty open for the community
8 center and the Hale Kupuna, so. It was
9 August that was giving us problems.
- 10 MEMBER HOXIE: Should we pick a back up
11 date? Y'know, 7/31 and then pick up,
12 y'know, just in case it doesn't work then?
- 13 MS. KRAFTSOW: What about the week of the,
14 like somewhere between the 18th and the 23rd
15 or something?
- 16 MEMBER HOXIE: Of July?
- 17 MS. KRAFTSOW: Yeah.
- 18 CHAIR HOWDEN: Twenty?
- 19 MS. KRAFTSOW: Is that too soon?
- 20 MS. HAYASHIDA: We gotta, we gotta give
21 them time to review.
- 22 MS. KRAFTSOW: They're not gonna read this
23 thing.
- 24 MEMBER HOXIE: The 24th? A week earlier

1 would be the 24th.

2 VICE CHAIR ROBINSON: That's fine. I have
3 nothing.

4 MEMBER GERBIG: Ok.

5 CHAIR HOWDEN: Twenty-fourth?

6 MEMBER HOXIE: Just so we have a back up.

7 CHAIR HOWDEN: Ok.

8 MS. HAYASHIDA: And let me see with the
9 director with staffing issues because it is
10 on a weekend. Overtime is involved and
11 after a certain time meal allowance gets
12 kicked in and night differential gets kicked
13 in if we are still working after 6, so on
14 that.

15 MEMBER HOXIE: Is that for board members
16 too?

17 MS. HAYASHIDA: You volunteer.

18 CHAIR HOWDEN: Hey, don't worry we get
19 mileage to Lahaina, yeah?

20 MS. HAYASHIDA: We pay your way. We pay
21 your way there. And you have our undying
22 gratitude.

23 (laughter)

24 MEMBER GERBIG: May I suggest to the county

1 that they give you a comp day instead of
2 overtime.

3 (laughter)

4 MEMBER HOXIE: That's up to the director to
5 work out.

6 MEMBER EASON: Yeah.

7 MEMBER GERBIG: That's been done before,
8 right?

9 MS. HAYASHIDA: Yeah, yeah.

10 VICE CHAIR ROBINSON: Good suggestion.

11 MEMBER HOXIE: Very dangerous.

12 MEMBER GERBIG: Never been done with the
13 county probably.

14 MS. HAYASHIDA: Yeah, well, that, yeah, I
15 wish the...

16 CHAIR HOWDEN: So at present we aiming at
17 the 31st of July. Our back up date is the
18 24th of July.

19 MEMBER EASON: Uh huh.

20 MEMBER GERBIG: Ok.

21 CHAIR HOWDEN: Ok. And we have commitments
22 from at least 5 members...

23 MS. HAYASHIDA: And I'll poll Kelli and
24 Kui.

1 CHAIR HOWDEN: You might wanna check Kui,
2 yeah?

3 MEMBER GERBIG: Who are, who are the
4 members again?

5 MS. HAYASHIDA: You, Phyllis, Michael,
6 John, and Kevin. And now I'll...

7 CHAIR HOWDEN: And possibly Kui if she
8 wants to come. Ted, are you coming too?

9 MEMBER GERBIG: Back up.

10 MEMBER YAMAMURA: If you need me.

11 CHAIR HOWDEN: Oh, Ted's our back up.

12 MEMBER GERBIG: Sub, sub, sub.

13 CHAIR HOWDEN: In case Kevin has a big
14 fertilizer order that day or something. Ok.
15 Clay, would you like to...

16 (silence as public testifier Clay Rumbaoa
17 steps up)

18 MR. RUMBAOA: Hi. Good morning, Chair
19 Howden and board members. My name is Clay
20 Rumbaoa. I'm with Castle and Cooke. I also
21 sit on the Lanai Water Advisory Committee as
22 a voting member. I would want to this
23 morning acknowledge Ellen and her staff and
24 her many years of work in preparing this

1 document together. We received this
2 document about almost a year ago in the fall
3 of 2009 and individually we spent a lot of
4 time reviewing that document; over 700 pages
5 and as far as that review process the State
6 Commission on Water Resources was also part
7 of that as a, on an advisory role. After we
8 reviewed that document we devoted many
9 meetings to go over those chapters
10 individually. We provided verbal comments
11 and recommendations for revisions, in
12 addition to written comments to, to Ellen.
13 And with Ellen's tremendous workload here at
14 the county we haven't had a chance, or she
15 hasn't had a chance to provide us with
16 revisions as of yet. So therefore we
17 haven't voted on this document as part of
18 LWAC. So I guess, I guess, my, my comment
19 is, and I don't know the process, is it
20 premature at this time for the Board to
21 receive this document because the LWAC
22 members have not received or seen the
23 revisions or have not voted on it in trying
24 to work out, or trying to get some kind of

1 consensus on this, on this document. And,
2 and, and secondly, it just so happens with,
3 with the, the process going on the county
4 Planning Department is preparing the Lanai
5 Island Plan which is the community plan.
6 And when we prepared the water allocation
7 table for this Water Use and Development
8 Plan we tried to foresee all the future
9 projects and this was done back in 2005,
10 2006. So now with this process going on
11 with the County of Maui Planning Department,
12 there's projects coming online that maybe
13 was not thought of and my fear is that if
14 this document gets adopted before these
15 projects can be thought of and possibly
16 incorporated we could be short-changing
17 those projects, because as you all know
18 water on Lanai is, is, is a very limited and
19 when Castle and Cooke prepared our
20 allocation to, to Ellen we're very mindful
21 of those restrictions and we try to work
22 with it and we feel we presented a
23 development plan that was very responsible
24 in our eyes. So that's pretty much it.

1 It's just that again, with all the hard work
2 that Ellen's put into this document we have
3 not seen the revisions, not just myself but
4 other LWAC members and we would like to see
5 those and, and, before it gets transmitted
6 to, to you folks, the board. And, and try
7 to get some kind of consensus as part of
8 LWAC and I think the process as it moves
9 forward would be smoother if that takes
10 place versus going in and, and having these
11 meetings on Lanai and Castle and Cooke and
12 other members not seeing these things and
13 having to come and testify on what we agree
14 or disagree on during those meetings.

15 CHAIR HOWDEN: Yeah, as, as John Hoxie
16 pointed out, we do have 6 months to prepare
17 our recommendations to the council. All the
18 public testimony, the transcript of public
19 testimony, the public hearing in Lanai will
20 be included in that. So it seems that
21 there'd be plenty of time especially for the
22 LWAC people to become, y'know to, to share
23 their mana'o on this. I'm a little
24 concerned, we, we keep delaying on water use

1 and development plans, and, and we have the
2 Upcountry Water Use and Development Plan in
3 the wings which would be, y'know, it's a
4 real can of worms. So, hopefully we could
5 move forward and Ellen will have this by
6 Monday. The meeting won't be for another
7 month. I think you guys are generally
8 pretty familiar with...are the revisions gonna
9 be substantial on this or?

10 MS. KRAFTSOW: The gist is the same but
11 there are some revisions. I re-did,
12 actually at the company's request I re-did
13 the rate analysis in there now. Something
14 like 6 different rate proposals in there.
15 And the ones that I re-did did bring down
16 the proportion that the golf course has to
17 pay. The pumpage is still limited if we
18 can't fix the table, it's not gonna be under
19 4.3 at build out but it will still be under
20 4.3 at 2030. And that's through
21 conservation savings and reclaimed water
22 savings. Reclaimed water was in the
23 proposals. The document does address, there
24 was a proposal submitted by the company in

1 August of 2009 which although the committee
2 voted not to deliberate on that proposal
3 because I was already overdue in getting
4 pressure at work for not having the document
5 complete and I, I have to say I didn't even
6 get the billing data until late August of
7 2009, so although we talk about years I, the
8 document is really based on that billing
9 data which came in August of 2009 to me,
10 late August, August 27th to be exact. But in
11 any case, the document does analyze the 2009
12 proposal. It uses the 2006 proposal as the
13 reference. There is something about the
14 2006 proposal. We, we do add in because our
15 planner's review of discretionary permits
16 that come through, we do have things in our
17 build out analysis that were not included in
18 the 2006 or 2009 proposals even because they
19 hadn't come through yet. But we had, have
20 added those as part our analysis. There was
21 one element in the 2009 proposal that we
22 disagreed with after analysis which was the
23 assumptions about reclaimed water
24 availability. I don't think that anything

1 in there would be a very big surprise; it's
2 all stuff we've been talking about. But I
3 know there are some things in there that
4 we're talked about that the company doesn't
5 like. I think there are also things that
6 the company does like kinda depending on
7 which things we are referring to, right?
8 So, I mean that's all I can say, maybe,
9 maybe I said too much.

10 CHAIR HOWDEN: Oh no, that's good, it's
11 good to be forthright. Don?

12 MEMBER GERBIG: Y'know, overall, this is a
13 private water company and the only reason
14 we're doing this is because of the law
15 states that we have to review it. Is that
16 correct?

17 MS. KRAFTSOW: Well, we have a...

18 MEMBER GERBIG: Or...

19 MS. KRAFTSOW: Fiduciary...

20 MEMBER GERBIG: Yeah, what binding thing is
21 in this that Castle and Cooke is gonna be
22 bound to. There is no binding...

23 MS. KRAFTSOW: Nothing that the board or
24 the department do, well at this point I

1 should say, there, maybe there are some
2 things that are kinda binding that the board
3 and the department do, but the, the council
4 adopting a plan like this does have some
5 teeth. Y'know, what degree of teeth is a
6 matter, and what manner they adopt it.

7 MEMBER GERBIG: Well, whether the council
8 has to adopt this you mean?

9 MS. KRAFTSOW: This, yeah, this plan is not
10 final until the council has chosen to adopt
11 it.

12 MEMBER GERBIG: Ah, I'm confused. This is
13 a private water company, what right does the
14 council have to tell them what to do? It's
15 an overall state thing I understand but I'm
16 kinda...

17 MS. KRAFTSOW: Ok.

18 MEMBER GERBIG: Thing is I don't think that
19 there's, it's that binding to me in my mind.

20 MS. KRAFTSOW: I can answer that maybe...

21 CHAIR HOWDEN: Please go ahead.

22 MS. KRAFTSOW: The attorney can correct me
23 if I'm wrong here. But the state
24 constitution says that the state and its

1 political subdivisions have a responsibility
2 to protect water resources. So there's a
3 constitutional mandate for the counties to
4 be involved in protection of water
5 resources.

6 MEMBER GERBIG: Ok.

7 MS. KRAFTSOW: That's number 1.

8 MEMBER GERBIG: Thank you for clarifying.

9 MS. KRAFTSOW: Number 2, within the county
10 there is no board, there is no body that's
11 dedicated to Lana'i. Lana'i is actually the
12 only community that does not have the
13 benefit. Y'know, some people might not
14 think it's a benefit but the benefit of a
15 dedicated body for its water issues and so
16 that's why the board in its wisdom elected
17 to form the Water Advisory Committee. That,
18 that have been kinda serving as like an
19 unofficial board or an unofficial advisory
20 committee to a board. Well, official I
21 guess 'cause they were established by
22 resolution but y'know not with the full
23 authority of the Planning Commission. So we
24 have that...

- 1 MEMBER GERBIG: Ok, thank you.
- 2 MS. KRAFTSOW: Responsibility.
- 3 CHAIR HOWDEN: Don, it's in the preamble of
4 the Water Use and Development Plan, the
5 procedure in terms of, of oversight.
- 6 VICE CHAIR ROBINSON: So, so, I, I had a
7 question from the beginning and it's just a
8 clarification. So the AWAC?
- 9 MS. KRAFTSOW: LWAC.
- 10 UNKNOWN VOICES: LWAC.
- 11 VICE CHAIR ROBINSON: Ok, whatever.
- 12 MS. KRAFTSOW: Lana'i Water Advisory
13 Committee.
- 14 VICE CHAIR ROBINSON: That's an acronym for
15 those of who don't know. It stands for...?
- 16 CHAIR HOWDEN: Lana'i Water Advisory
17 Committee.
- 18 VICE CHAIR ROBINSON: And that's what you
19 were just referring to? And that's the body
20 that formed to be able to...
- 21 MS. KRAFTSOW: To review, to help to draft,
22 review and implement the Water Use and
23 Development Plan. So they would, presumably
24 continue even between updates of Water Use

1 and Development Plans, continue to be active
2 in water issues that pertain to planning.

3 VICE CHAIR ROBINSON: And who is on that
4 commission? Or board?

5 MS. KRAFTSOW: That committee has 9 people
6 it was established originally as, I, was it
7 the council sub-committee first or the
8 Lana'i Water Working Group first? I guess I
9 think it was the council's sub-committee on
10 water first and then that was established
11 with a sunset and the community felt it was
12 important that it continue.

13 VICE CHAIR ROBINSON: What?

14 MS. KRAFTSOW: The, it was originally
15 established by the county council under Goro
16 Hokama as the Lana'i sub-committee on water
17 on Lana'i. And then they just, y'know, they
18 had so many water issues they ended up
19 asking water to be present, involved the
20 staff quite a bit. And so they formed, they
21 were, had been formed by the county council
22 with a sunset date. And initially when I, I
23 don't know if they asked the department to
24 take it over at first and the department

1 said no at first or if they just, they were
2 gonna drop it but the state water commission
3 took it over briefly with another sunset
4 date. Did the Lana'i Water Working Group
5 report which the county participated in, in
6 fact they used our consultant at the time,
7 Gene Kumagai. And then subsequent to that
8 they petitioned the board to be established.
9 And they had actually wanted to be
10 established by ordinance as like a separate
11 commission for the island of Lana'i. And we
12 drafted an ordinance and then it was decided
13 that they would be established by rule and
14 then it was decided that they would be
15 established by resolution but they were
16 finally established by resolution.

17 VICE CHAIR ROBINSON: So established by
18 resolution...

19 MS. KRAFTSOW: Of the board.

20 VICE CHAIR ROBINSON: And meets how
21 frequently?

22 MS. KRAFTSOW: Monthly.

23 VICE CHAIR ROBINSON: Every month.

24 MR. RUMBAOA: We try to meet every month.

1 MS. KRAFTSOW: We were originally only
2 given budget to attend quarterly. And so
3 the only reason we've been going roughly
4 monthly, not every month, is because of the
5 plan in progress.

6 VICE CHAIR ROBINSON: So, the next time you
7 would meet would be...?

8 MR. RUMBAOA: August. We were supposed to
9 meet July but I guess Ellen was busy.

10 MS. KRAFTSOW: June.

11 MR. RUMBAOA: Oh, June.

12 MS. KRAFTSOW: This last week.

13 MR. RUMBAOA: But, but, yeah we didn't meet
14 and again we were hoping to get the
15 revisions that Ellen's done. And so the
16 next meeting will be next month. We
17 normally meet on the 4th Thursday, I believe
18 but depending on Ellen's schedule that
19 varies. And she tries to give us enough
20 notice so we can plan 'cause I also, I don't
21 live on Lana'i so I have to plan my travel.
22 I live on Oahu so I can plan my travel to
23 coincide, right, and among other things too
24 so.

1 MS. KRAFTSOW: Yeah, and sometimes it's a,
2 it's quite a ordeal to get date that
3 everybody can do. We did, Clay, I don't
4 think you were there though, we did, John
5 was there though. We did discuss the fact
6 that it would be likely to be transmitted
7 without another review. Actually, that I
8 didn't I know if I would make because there
9 were many other deadlines going through.
10 And at the time the people who were there
11 said just get it moving. And y'know,
12 whatever disagreements there will be, there
13 will be. Chips fall where they may. It's
14 time to get it moving. So I kinda
15 understand Clay's concern though that you
16 wanna see it first but...

17 MR. RUMBAOA: Yeah, and, and then just in
18 terms of the process, this process we're
19 going through. You folks receive, the board
20 receiving the documents that obviously is
21 not gonna be its final, final...

22 VICE CHAIR ROBINSON: Because...

23 MR. RUMBAOA: Position.

1 VICE CHAIR ROBINSON: You're, you're
2 committee hasn't seen the revisions...

3 MR. RUMBAOA: That's correct.

4 VICE CHAIR ROBINSON: And therefore
5 haven't...

6 MR. RUMBAOA: And then, and perhaps other
7 committee members may have comments too so
8 outside of LWAC. But if, I think if, if we
9 had some kinda agreement on most of it
10 through the LWAC I think that make the
11 process go easier and then we can focus on
12 certain things.

13 MS. KRAFTSOW: John says he already been
14 using it, but.

15 MR. RUMBAOA: But, but at this point we
16 haven't had that luxury so.

17 VICE CHAIR ROBINSON: So what is it that
18 you're asking of us?

19 MR. RUMBAOA: Well, this is to the process,
20 ah, ah, we would like to, Castle & Cooke and
21 perhaps maybe the LWAC members, to, to
22 receive Ellen's revisions and give it one
23 more time to deliberate within the group,
24 LWAC group. And, and like Ellen said,

1 y'know, we review it, y'know hopefully
2 addresses most of our concerns and if we can
3 pick on official vote to try to do things by
4 consensus if not, then it is what it is and
5 then it would be forwarded officially to, to
6 the board with some kind of a, a result from
7 LWAC, 'cause as of right now there's,
8 there's really no, you, you receiving this
9 with no result from LWAC..

10 VICE CHAIR ROBINSON: I see.

11 MR. RUMBAOA: Committee.

12 VICE CHAIR ROBINSON: Right. But, but
13 we're receiving it from prior to any public
14 testimony too and so public testimony then
15 has an impact, so, and changes it. And then
16 we get to see that after public testimony
17 and all of that, 'cause we just went through
18 this with a, y'know, with, with the, the
19 Central region so, so we're kinda savvy
20 about how this works. It doesn't seem, I'm
21 gonna agree with, with Michael that, that
22 there seems like there's gonna be plenty of
23 time before we see a version of it that we
24 make our recommendations based on where any

1 changes or whatever will have been, y'know,
2 had plenty of time for your committee to
3 meet before we actually put our final
4 recommendations together to the county
5 council, so I don't really see this as a
6 problem.

7 MS. KRAFTSOW: I was thinking we would
8 transmit and then after it had been
9 transmitted to everybody we would meet and
10 by the time you met again the committee
11 would've had their chance to read it. But
12 it is, y'know...

13 MEMBER GERBIG: Another question.

14 MS. KRAFTSOW: We did do that for Central
15 Maui, the committee didn't meet again before
16 Paul transmitted.

17 MEMBER GERBIG: I have a question. Then,
18 like Phyllis said, if everybody has, has the
19 report and then we have this hearing,
20 anybody from Lana'i or, can give testimony.
21 You can have your meeting and decide
22 whatever you want to do. Any kind, any
23 kind, but bring your concerns to the public
24 hearing and present them there. Done deal.

1 Then we go from there. Correct?

2 MS. KRAFTSOW: And the other thing is that
3 the public comment period doesn't really
4 start until it's transmitted so like I've
5 been advising Clay like make any informal
6 comments you want now and I'll try to make
7 what changes I can. But y'know the formal,
8 so I imagine there's gonna be a load of
9 comments coming in. But we did with Carl,
10 that's what we did, we, we went to the
11 committee, we reviewed several steps with
12 the committee and then at the last meeting
13 basically we said ok, we're gonna take into
14 consideration what we've said and then we're
15 gonna forward, because the committee is
16 advisory. The committee does not have
17 authority to "thumbs up or thumbs down" but
18 we did, we did commit to go as far as we
19 could to be in consensus with the committee
20 and to, and I think we genuinely have tried
21 to, they don't always agree, members of the
22 committee and we try to somehow be
23 conscientious towards both sides.

24 VICE CHAIR ROBINSON: So the public will,

1 who come to this public hearing on Lana'i,
2 if we go in the 31st of July, what, if they
3 decide to go on to the county's website to
4 read over the document that they would be
5 commenting on, the concern is is that that
6 they would be commenting on something that
7 your committee will not have had a chance to
8 give their own input into the revisions so
9 that what the public will be seeing will be
10 something that will be minus the revisions
11 that you might be making or wanting to make.
12 Is that, is that accurate?

13 MS. KRAFTSOW: I mean, I think that's a
14 question for Clay, what his concern is.

15 MR. RUMBAOA: Well, as, as, if you're gonna
16 provide your revisions to the board, you
17 said Monday, are you gonna post 'em online?
18 So then we would also get it?

19 MS. KRAFTSOW: Yeah, I mean, we, we, we
20 were gonna, as soon as, I mean, sort of
21 getting at that, we were aiming to get it
22 here this morning and y'know, but then the
23 thought was ok, then come in on Monday and
24 start scanning it into pdf so that we could

1 post it. And then it's really based also a
2 bit on Jacky's schedule because she does the
3 actual posting for us but...

4 MS. TAKAKURA: (inaudible) fast.

5 MS. KRAFTSOW: She's pretty fast, yeah.

6 MR. RUMBAOA: Yeah, I mean, yeah, I mean
7 we'd like to review that also and, and, and
8 see on behalf of Castel and Cooke, y'know
9 our concerns if they're addressed and, and I
10 don't know if we'll have in July, LWAC.

11 Because I think there's people being out, I
12 don't know who'll be able to meet as LWAC so
13 I think the next time y'know we may, we'll
14 meet will be this July 31st day with the
15 board and then we'll just come in with our
16 comments and present 'em to the board.

17 Because...

18 CHAIR HOWDEN: I mean it is a working
19 document, Clay. I mean, we're subject to
20 considerable revisions and y'know we welcome
21 comments that's why we have a court reporter
22 and we include all of the transcripts from
23 the public hearings to, with, along,
24 attached with our recommendations to Water

1 Resources Committee of the County Council,
2 so.

3 MS. KRAFTSOW: I think that the one thing
4 is it's been, it's been through so many
5 revisions already. Again and again and
6 again and again. It's probably gonna go
7 through more before this is all over. The
8 board might recommend revisions, the board
9 might concur with recommendations from the
10 public and or Castle and Cooke about
11 revisions. And on top of that the council
12 might recommend revisions on those revisions
13 y'know so.

14 VICE CHAIR ROBINSON: So it's not a final
15 document. It's not over.

16 CHAIR HOWDEN: And then CWRM has the right
17 to reject it or not. Ha, ha, ha. And on it
18 goes.

19 MR. RUMBAOA: Yeah, our concern is how, how
20 are the, the revisions easily made once it's
21 transmitted to the board? So, that's,
22 that's our concern I mean if, if the board's
23 gonna almost actually hear testimony and
24 rubber stamp it as is, so that's why I'm

1 concerned, in essence we would like to see
2 y'know before it gets to the board at least
3 some of our concerns were ideally, most of
4 it addressed because again y'know once it
5 gets submitted out there y'know in the
6 version that it got to us about a year ago
7 and it doesn't get changed, then y'know we
8 kinda left short is our feeling.

9 MS. KRAFTSOW: The 2 major concerns that
10 you addressed to me were the rate, which I
11 did change, whether or not the change is
12 sufficient is, is a question but I did
13 change it in the direction that you
14 requested to, and the allocation table,
15 which I also did change. Also, I believe in
16 basically the direction that you asked me
17 to, but I don't think we'll ever gonna agree
18 on that table.

19 MEMBER GERBIG: But am I correct that once
20 the, the report is complete, you complete it
21 Monday, tomorrow or whenever, that right,
22 the revision, that's gonna be the completed
23 report? It's gonna be submitted to the
24 board and to the public?

1 MS. KRAFTSOW: As far, the, the process is
2 that the department with mayor's
3 concurrence, which y'know this is mayors ago
4 but it was inherited from the council and
5 from the State Water Commission so the
6 committee was set for us basically,
7 establishes a committee...

8 MEMBER GERBIG: Oh, but I mean, that...

9 MS. KRAFTSOW: That committee is, let me
10 finish.

11 MEMBER GERBIG: I'm just talking about your
12 report. Meaning this, you're not, if you
13 submit it to the board, the completed report
14 or with the revisions, that's the whole
15 report or is it several increments at this
16 time?

17 MS. KRAFTSOW: Oh no. Lana'i, Lana'i is
18 different than Maui. Lana'i is much smaller
19 place so we...

20 MEMBER GERBIG: I understand that.

21 MS. KRAFTSOW: Did the whole, it's
22 everything. It's, that's the whole shebang.

23 MEMBER GERBIG: I understand that.

24 MS. KRAFTSOW: So, but the thing is is that

1 the committee is advisory so in the end the
2 department submits...

3 MEMBER GERBIG: What committee are you
4 talking about?

5 MS. KRAFTSOW: The Water Advisory
6 Committee.

7 MEMBER GERBIG: Their committee?

8 MS. KRAFTSOW: Any water advisory committee
9 is advisory. So, that the draft that gets
10 submitted, although we try in every way to
11 be in concert with the committee, ultimately
12 it is staff and department's recommendation
13 that is coming to you. So there will be
14 places where the committee doesn't agree
15 with each other so it's impossible for us to
16 agree with all of them on every matter. So
17 I guess my point is just that what I submit
18 will be like as staff, my proposal and if
19 it's submitted with Jeff's signature then it
20 would also be the department's proposal.

21 MEMBER GERBIG: Oh.

22 MS. KRAFTSOW: Y'know what I mean. Then
23 the board considers that and y'know just
24 like we did with Central Maui, write all

1 that stuff and send...

2 MEMBER GERBIG: Then we get, then the
3 board, once the director signs it, the
4 report is actually coming from the
5 Department of Water Supply, correct?

6 MS. KRAFTSOW: From the department to the
7 board.

8 MEMBER GERBIG: You, water, Department of
9 Water.

10 MS. KRAFTSOW: To the board, yes.

11 MEMBER GERBIG: And it's just gonna be
12 submitted once it's signed by the Department
13 of Water Supply, gonna be submitted to us?

14 MS. KRAFTSOW: That's right.

15 MEMBER GERBIG: Ok. And once it's
16 submitted to us does that mean that it's
17 open to the public?

18 MS. KRAFTSOW: Once, yeah. Once it has
19 been transmitted then you guys hold public
20 hearings so that we can get public input...

21 MEMBER GERBIG: So, Lanai, Castle and Cooke
22 will get it at the same time that we do.

23 MS. KRAFTSOW: Well, they have benefit of
24 getting it earlier because they've been on

1 the advisory committee all along.

2 MEMBER GERBIG: But I mean this, with the
3 revisions I'm talking..

4 MS. KRAFTSOW: The revisions, that's right.
5 They will get it with everybody else.

6 MEMBER GERBIG: So, the report is not
7 complete yet because there's been, revisions
8 are being made or done or included, that's
9 what you're doing now?

10 MS. KRAFTSOW: Well, that's what we thought
11 we had done now, yeah.

12 MEMBER GERBIG: But...

13 MS. KRAFTSOW: Sorry. Yes, I mean we...

14 MEMBER GERBIG: Well then you...

15 MS. KRAFTSOW: Submitted it...

16 MEMBER GERBIG: Once it's, once it's
17 submitted then it's gonna go to the
18 department then it's gonna go to us, so how
19 long is that gonna take before it gets back
20 to the Board of Water Supply advisory
21 committee?

22 MS. KRAFTSOW: We, we published a review
23 draft already.

24 MEMBER GERBIG: Uh huh.

1 MS. KRAFTSOW: I had more than 20 pages of
2 comments to work in. Many of them were
3 minor...

4 MEMBER GERBIG: Uh huh.

5 MS. KRAFTSOW: But some of them like the
6 rate analysis was, were major bits of work.
7 I incorporated those comment. Y'know at
8 some point how many times do you incorporate
9 more comments before you just submit it. It
10 will not even be timely anymore if we wait
11 too long because y'know the analysis was
12 based on billing data that was given to me
13 in August of 2009, which means the last full
14 year that I had was 2008 of billing data,
15 right? So, I think at this point, this is
16 just my personal opinion, obviously my
17 director's not here. My opinion is that
18 it's seen enough committee level review. I
19 would have liked to have one more meeting
20 with them but it was in no way a guarantee
21 to them nor was it a required part of the
22 process.

23 MEMBER GERBIG: Ok. Thank you.

24 VICE CHAIR ROBINSON: So it seems just in,

1 in response to your request to us that the
2 only way that you can now give input into
3 this document would be for you to show up at
4 the public hearing and give input in that
5 way. Is that correct?

6 MS. KRAFTSOW: Well, that will depend of
7 course...

8 MEMBER GERBIG: Is that correct, though?

9 MS. KRAFTSOW: On what my director says...

10 VICE CHAIR ROBINSON: Is that correct?

11 MS. KRAFTSOW: If my director agrees that
12 we transmit it.

13 VICE CHAIR ROBINSON: Yep.

14 MEMBER GERBIG: No, I mean, assuming it's
15 being transmitted...

16 MS. KRAFTSOW: I think...

17 MEMBER GERBIG: Once it has then it goes to
18 public hearing.

19 MS. KRAFTSOW: Yes. The committee can
20 still meet and, and as a committee make its
21 recommendations to the board and I expect it
22 that they would do so. Y'know what I mean?

23 MEMBER GERBIG: Yeah, but if they...

24 MS. KRAFTSOW: Before the board makes its

1 final determination the committee can still
2 meet and say ok, this is what we think; it's
3 thumbs up, it's thumbs down, we think it
4 needs these changes.

5 MEMBER GERBIG: But wouldn't they make,
6 there, you're talking about his committee?

7 MS. KRAFTSOW: Well, it's a, it's a
8 committee of 9 members of which Castle and
9 Cooke is one.

10 MEMBER GERBIG: His committee, ok. The
11 Castle and Cook Lanai committee; if they
12 meet and they decide, I mean once this, this
13 document's published like once you make the
14 revisions and publish it, it's approved by
15 the department and then it's given to the
16 Board of Water Supply, then should it not be
17 given to Lanai, the Lanai committee with all
18 the new revisions too and then everybody
19 comments at the public hearing?

20 MS. KRAFTSOW: Yeah.

21 MEMBER GERBIG: Huh? Is that correct?

22 MS. KRAFTSOW: Yes.

23 MEMBER GERBIG: My interpretation, yeah?

24 CHAIR HOWDEN: Yeah. I think that's...

1 MEMBER GERBIG: That's it.

2 CHAIR HOWDEN: Pretty much the board's
3 consensus, yes?

4 VICE CHAIR ROBINSON: Yeah.

5 MEMBER GERBIG: Ok, got it.

6 VICE CHAIR ROBINSON: The only difference
7 that I can see, y'know I'm just trying to
8 honor your, what you're asking of us and,
9 and all of these folks know that I often
10 play this role, is the, the degree to which
11 recommendations that come for revisions from
12 your committee directly to the department
13 obviously are taken very seriously and
14 changes are made.

15 MS. KRAFTSOW: I did.

16 VICE CHAIR ROBINSON: 'Cause you have taken
17 those, those recommendations and, and made
18 the revisions based upon what you have
19 determined in your committee are changes
20 that need to be made but once, once it's out
21 there then the only way that those revisions
22 can now come from your committee would be
23 directly through the public hearing.

24 MS. KRAFTSOW: No, I think...

1 VICE CHAIR ROBINSON: And then, and then
2 it's the board making recommendations to the
3 county council not to the department,
4 correct?

5 MS. KRAFTSOW: No, I think, here's my
6 understanding of the process, ok? You have
7 a committee, you try to work as closely as
8 you can with that committee to put together
9 a plan that will be acceptable to everyone.

10 VICE CHAIR ROBINSON: Right.

11 MS. KRAFTSOW: At some point, the plan
12 needs to move forward.

13 VICE CHAIR ROBINSON: Yeah.

14 MS. KRAFTSOW: Ok. My belief is that we
15 have agreed way beyond my expectations on
16 many, many, many aspects of the plan but
17 there is one very, or two very key aspects
18 of the plan that I personally as staff whose
19 been studying this and Clay, personally as
20 staff from somebody else whose been studying
21 this, will probably never agree on.

22 VICE CHAIR ROBINSON: Oh ok.

23 MS. KRAFTSOW: And to, that, that y'know
24 we tried, we've come closer, much closer

1 than we were but in any case I think the
2 committee can still meet as a committee,
3 make its determination as to what it wants
4 to do; thumbs up, thumbs down, here are our
5 recommendations. They can provide those
6 recommendations both to the department and
7 the board as they wish. The board again
8 will hear all public testimony and make its
9 recommendations. And then those

10 recommendations are forwarded to council.
11 Now we know like in the case of the Central
12 Maui plan, there are some places where we
13 anticipate actually making changes based on
14 those recommendations and the question is,
15 we're still not sure at what point in the
16 process that happens but I wouldn't
17 personally be adverse to having a meeting
18 with the committee before the formal
19 transmittal but I also wouldn't want to
20 delay this, y'know...

21 MEMBER GERBIG: Well, I think right now
22 where we're at, step 1, you're gonna finish
23 the report, re-submit it, it's gonna be
24 submitted to the, to the department, they're

1 gonna ok it, if they do or not, whatever and
2 then they submit it to us and then at that
3 same time, am I correct that you will submit
4 it to the Lanai contingency? I mean it's
5 public information...

6 MS. KRAFTSOW: Well, we're, we're making
7 copies for you first just because y'know as
8 a matter priority we need to get them to
9 you.

10 MEMBER GERBIG: I don't think you can hold
11 one over the other. Every, once it goes to
12 the public, they're part of the public.

13 MS. KRAFTSOW: It took...

14 MEMBER GERBIG: Gotta go to them. Now, any
15 revisions after that...

16 CHAIR HOWDEN: It'll, it'll be on our
17 website as well.

18 MEMBER GERBIG: Yeah. It'll, ok then, so
19 it'll be there. So any revisions are not
20 gonna be made until, unless, well I don't
21 know if you're gonna make revisions, that's
22 a whole new ballgame.

23 MS. KRAFTSOW: But we're just gonna try to
24 fix that table.

1 MEMBER GERBIG: But I'm just saying that
2 we're gonna recommend what we see after
3 public hearing and everything else, what we
4 hear there. Now whatever happens, the
5 revisions after that is not our concern.

6 VICE CHAIR ROBINSON: No, it's up to the
7 county council.

8 MEMBER GERBIG: That's right.

9 VICE CHAIR ROBINSON: They're the, they're
10 the ones that have the, the power to change,
11 make revisions.

12 MEMBER GERBIG: Yeah, so that's where we
13 are.

14 VICE CHAIR ROBINSON: They're just getting
15 our recommendations...

16 MS. KRAFTSOW: But I would think that...

17 VICE CHAIR ROBINSON: We don't have the
18 power to make revisions.

19 MS. KRAFTSOW: I would think that they
20 would take your recommendations seriously as
21 the, y'know...

22 MEMBER GERBIG: Yeah, whatever. They may
23 not.

24 MS. KRAFTSOW: You're the board.

1 (several people speaking and laughing at the
2 same time)

3 CHAIR HOWDEN: You never know, never know.

4 MEMBER GERBIG: Ok. Thank you.

5 CHAIR HOWDEN: Clay, any further comments?

6 MR. RUMBAOA: No. No, I mean let Ellen let
7 us know and you post it on the web.

8 MS. KRAFTSOW: I will let you know and I
9 also will make another set of hard copies
10 for the committee but those will be mailed
11 so they'll be a little slower. And I
12 probably won't provide the notebook cases
13 'cause you already have one from the last
14 time. Just throw out the old version.

15 MEMBER GERBIG: Ok, do we have a
16 presentation going?

17 CHAIR HOWDEN: Ah...

18 VICE CHAIR ROBINSON: Thank you so much
19 for...

20 MEMBER GERBIG: Thank you, Ellen.

21 VICE CHAIR ROBINSON: For your work, Ellen.
22 And thank you for your patience with me.

23 CHAIR HOWDEN: Ok.

24 MEMBER GERBIG: And me.

- 1 CHAIR HOWDEN: So, we've been requested to
2 take a 5 minute break. How many people will
3 be staying for the presentation, the
4 orientation? Don?
- 5 MEMBER BOTEILHO: I'll stay.
- 6 MEMBER HOXIE: We've all gone through it
7 once before.
- 8 CHAIR HOWDEN: Ok. So, Ted and Phyllis and
9 I will be on our merry way.
- 10 VICE CHAIR ROBINSON: We're gonna be merry
11 way it.
- 12 CHAIR HOWDEN: You won't have a quorum
13 anymore so I have to formally adjourn the
14 meeting...
- 15 MS. HAYASHIDA: Can we do that?
- 16 CHAIR HOWDEN: And then leave you to Gaye
17 and Jacky and...
- 18 VICE CHAIR ROBINSON: Is there any other...
- 19 CHAIR HOWDEN: David and whoever else is
20 here.
- 21 VICE CHAIR ROBINSON: Is there any other
22 business...
- 23 MS. HAYASHIDA: Yeah.
- 24 VICE CHAIR ROBINSON: Besides the

1 orientation?

2 MS. HAYASHIDA: The, um, the, gonna talk
3 about the forming the committee for
4 hearings.

5 CHAIR HOWDEN: Ok, let's take our 5 minute
6 break first.

7 VICE CHAIR ROBINSON: Ok.

8 CHAIR HOWDEN: Yeah. And then we'll come
9 back and finish up a few more minutes and
10 then...

11 (recess)

12 CHAIR HOWDEN: So, we're back in session.
13 The transmittal, the Lanai Water Use and
14 Development Plan will take place hopefully
15 on Monday. And right now we have a draft
16 from board member Ted Yamamura on just the
17 roughing out what the appeals committee will
18 look like.

19 VICE CHAIR ROBINSON: I don't have one.

20 MS. HAYASHIDA: Oh.

21 MEMBER GERBIG: Here you can have this one.
22 I'll, you got another one? You be careful.
23 Step up.

24 CHAIR HOWDEN: So try take a look at this

1 and see how you feel. I, I, I actually
2 think it's very well written. Most
3 excellent as usual.

4 VICE CHAIR ROBINSON: Did you do this?

5 MEMBER YAMAMURA: Well, it's just a
6 working, you know just to get started.

7 VICE CHAIR ROBINSON: Yeah, we get that,
8 the DRAFT part.

9 MEMBER YAMAMURA: Yeah.

10 MEMBER EASON: Touché.

11 (laughter)

12 MEMBER GERBIG: Let's see that. How did
13 you do that?

14 VICE CHAIR ROBINSON: Yeah.

15 MEMBER GERBIG: Can you explain how you did
16 that?

17 VICE CHAIR ROBINSON: Is that a really big
18 stamp?

19 MEMBER GERBIG: Can I get a stamp like
20 that? What happens next year?

21 CHAIR HOWDEN: So we're back in session,
22 yeah. Ellen, your keys!

23 MS. KRAFTSOW: No, I'm supposed to be..

24 VICE CHAIR ROBINSON: She's coming back.

1 CHAIR HOWDEN: Ok, coming back. You're our
2 director today. Director for a day. That's
3 something we might recommend to the county
4 administration, every year. An employee of
5 the department can be director for a day.
6 What?

7 (whispering inaudible)

8 CHAIR HOWDEN: Yes, Gaye.

9 MS. HAYASHIDA: I will forward a copy of
10 this to our corporation, Deputy Corporation
11 Counsel Ed Kushi, also for him to review
12 too.

13 CHAIR HOWDEN: I'm sure he'll have
14 something to say.

15 MEMBER YAMAMURA: I will send you the Word
16 document, ah, email it to you.

17 MS. HAYASHIDA: Oh ok, great, that's fine.

18 MEMBER YAMAMURA: 'Cause I didn't finish
19 this 'til this morning.

20 MS. HAYASHIDA: Oh ok, great.

21 CHAIR HOWDEN: John.

22 MEMBER HOXIE: I have a question. I wasn't
23 here last time so I missed out on all of the
24 discussion. So I'm, I'm, these are my

1 initial comments. According, we get this
2 every week, every meeting we get this update
3 on our appeals. Where, where everything is
4 and we, we have according to my count 8
5 pending right now.

6 MS. HAYASHIDA: That hasn't changed.

7 MEMBER HOXIE: Hasn't changed. So, why
8 don't we focus on how we can get the appeals
9 done within, within our present set up. I
10 think this, y'know it's really good if we
11 had a lot more but I think we, we don't have
12 that many and we should be able to schedule,
13 have the chairman schedule appeals and
14 y'know they, we have people that file an
15 appeal and then when it gets ready for us to
16 have a hearing they say, ah, we don't want
17 to do it now. Well, to me those guys should
18 go to the bottom of the list. And, there
19 must be a way that we can do this within our
20 present set up. That's just my broad brush
21 thinking. If they file an appeal and then
22 they say they gotta wait, well, they go to
23 the bottom of the list and the next guy
24 moves up, so we can get 'em done. That's

1 the thing, our, our charge is to get these
2 done.

3 MS. HAYASHIDA: Ok, you weren't here at the
4 last meeting. I am required by the
5 Corporation counsel that I need to notify
6 them at least 60 days prior to the meeting
7 date, so a lot of the hearings, ah appeals
8 that are scheduled for a particular month at
9 the last minute, like the week before, or 2
10 weeks before the attorney will ask for
11 postponement and usually our side says,
12 yeah, we're agreeable. So that's not enough
13 time to notify corp counsel that these
14 people that were scheduled for September
15 are, we, we can move 'em up to July now,
16 y'know, so.

17 MEMBER HOXIE: Yeah, well...

18 MEMBER GERBIG: That, that 60 day notice...

19 MS. HAYASHIDA: Yeah, so that's the
20 problem.

21 MEMBER GERBIG: Question on that. Ok, if,
22 I, I understand the 60-day everybody, what
23 if you scheduled 2 of 'em...

24 MS. HAYASHIDA: Yeah, and that's what was...

1 MEMBER GERBIG: The same day or 3 of 'em
2 the same day and then we cancel 'em.

3 MS. HAYASHIDA: And that's, yeah, well.

4 MEMBER GERBIG: Then you got 'em in the
5 bag.

6 MS. HAYASHIDA: And I think at the last
7 meeting it was suggested that we schedule
8 mult, ah, 2 hearings for one day. But what
9 if both of 'em show up and y'know, you got...

10 VICE CHAIR ROBINSON: Well, have you ever...

11 MEMBER HOXIE: And, wait, wait. And what?

12 MS. HAYASHIDA: So if, so, the chances of
13 one case is requested to postpone we still
14 have the other case to hear, so your times
15 not wasted. The concern is with both cases
16 were ready to go, we have to spend all day
17 hearing cases and stuff. And then, or if
18 both of 'em decide to postpone then you have
19 no case but...

20 MEMBER HOXIE: They go to the bottom of the
21 list.

22 MS. HAYASHIDA: Yeah, and they have been,
23 they have been. We've been putting that
24 together. And I think the next, the other

1 issue I think was the notification to
2 appellants of their hearing date. I think
3 Ed Kushi wanted a more complete notification
4 letter sent out but I haven't received any
5 information as how he wants to change my
6 letters to the appellants, so I don't know.
7 There is a case scheduled for July, next
8 month and that's the Keauhou. You also have
9 the opportunity to form a sub, ah form a
10 committee, a hearing committee and or hire a
11 hearings officer. Because we do have a list
12 of hearings officers willing, so that, if
13 you do both y'know, the committee hears the
14 simpler cases and have the hearings officer
15 deal with the more complex cases you may be
16 able to expedite the process a little faster
17 but.

18 MEMBER HOXIE: Well, we only have 8.

19 MS. HAYASHIDA: Yeah.

20 MEMBER HOXIE: Right? That's all that's...

21 MS. HAYASHIDA: And, and it's, it's like,
22 it doesn't seem like a lot but there like
23 other y'know um, problems. It's not only
24 postponement sometimes like on the last case

1 the appellant's attorney had requested
2 documents that, for whatever reason, the
3 county did not submit on time. So that's
4 why they requested a postponement. So that
5 too. That's another thing that's out of my
6 hands.

7 MEMBER HOXIE: Sounds like these kind of
8 problems can also happen if we have a sub-
9 committee also.

10 MS. HAYASHIDA: Yes. And if you, the only
11 thing is that now the committee or the
12 hearings officer would take this time
13 consuming matters away from the whole board
14 so that the whole board can now get back on
15 to their regular duties. That's all.

16 CHAIR HOWDEN: And John...

17 MEMBER GERBIG: The whole responsibility is
18 these appeals.

19 MEMBER HOXIE: Yeah, that's our primary
20 function is hear appeals.

21 VICE CHAIR ROBINSON: Well, our primary
22 function is..

23 MEMBER GERBIG: According to the law.

24 VICE CHAIR ROBINSON: Right.

1 MEMBER GERBIG: Or code.

2 VICE CHAIR ROBINSON: Yeah, I mean our
3 primary function is also to hear the
4 public's testimony and be able to respond
5 but, but the appeals process is the only
6 real legal power that we have overall
7 situation.

8 MS. HAYASHIDA: Well, according to the
9 charter, the, the board has the authority to
10 review the budget and to review rates.

11 MEMBER GERBIG: Water rates.

12 MS. HAYASHIDA: The water rates. And then
13 also now because of this ordinance to hear
14 appeals.

15 VICE CHAIR ROBINSON: But our, but our
16 decision-making about those appeals has an
17 impact on the case. In other words, we can
18 overturn a director's decision. So that's
19 what I meant...

20 MS. HAYASHIDA: Yeah.

21 VICE CHAIR ROBINSON: Is that we have that
22 power, we can overturn...

23 MEMBER GERBIG: Yeah.

24 VICE CHAIR ROBINSON: The director's

1 decision. Now they can go on to circuit
2 court. I mean they can take it further and
3 that's their prerogative but we do have the
4 ability...

5 MS. HAYASHIDA: You do have that power.

6 VICE CHAIR ROBINSON: The power. So, am I,
7 John, am I getting from you that some what
8 you would like to have is the power to hear
9 the, all the testimony and not trust it to,
10 to a smaller committee...

11 MEMBER HOXIE: Right.

12 VICE CHAIR ROBINSON: Or a hearings
13 officer. You would like to be able to sit
14 through all of the testimony so that your
15 decision is not made on the recommendation
16 of someone else.

17 MEMBER HOXIE: Right.

18 MS. HAYASHIDA: The hearings officer and
19 the, and the subcommittee or the committee
20 can only make recommendations to the whole
21 board. Now if the board, whole board does
22 not agree with the hearings officer or
23 subcommittee they can overturn it. It's
24 just that they're taking the long drawn out

1 process of testimony and putting it in
2 summary and making their recommendations.
3 CHAIR HOWDEN: David. Dave has a comment.
4 MR. GALAZIN: It's, it could be sometimes a
5 little bit dicey for boards like this where
6 you have separate functions, one of which is
7 your public meetings, public hearings where
8 everybody can come; it's open and provide
9 testimony, you're subject to Sunshine Law;
10 and your adjudicatory functions where you're
11 hearing these appeals, you're deciding the
12 rights or responsibilities of, of other
13 coming before you. If you have, just
14 conceptually, a subcommittee formed to kinda
15 go through the appeals as they come in and
16 decide how you would like to route them,
17 that's one thing. That would be
18 subcommittee formed under the Sunshine Law
19 and that would, the Sunshine Law would be
20 dictating how that subcommittee acts, how
21 that subcommittee reports back to the full
22 committee, for example, a subcommittee can
23 go investigate, present its findings at one
24 meeting but the board can't make any actions

1 on that until a subsequent meeting. So if a
2 subcommittee is formed and reports we think
3 there should be, farmed out to a hearings
4 officer, they present that at a meeting but
5 nobody can vote on whether or not to agree
6 with that. You gotta wait 'til another
7 meeting and you meet monthly so you're
8 talking about another, another month before
9 you can decide if it wants to go to a
10 hearings officer. If you want to designate
11 certain people as hearings officer your,
12 your rules pertaining to contested case
13 permit either a member or several members or
14 an outside person to be hearings officer in
15 any given case. But because you're acting
16 in adjudicatory capacity at that point,
17 Sunshine Law doesn't apply if members can
18 meet. There would be some issue, I saw the
19 proposal that all committee members act as,
20 as, as a hearings officer or all committee
21 members go to, to a hearing and subsequently
22 they're gonna be deciding on it. I'm sure
23 Ed's gonna have some comments on it when,
24 when he sees that, but I would just caution

1 against having every board member fill a
2 dual role because it's difficult. It's
3 difficult to comply with both laws at the
4 same time. Even in the best of times. The
5 county council had a problem with it and
6 they let their legislative attorneys working
7 for them night and day and they still manage
8 to get it wrong sometimes. So, it's a, it's
9 dicey proposition at best. I recommend if
10 you have a subcommittee to, to kinda be a
11 first run through these appeals and decide
12 where they're gonna go, it's gonna, it's
13 gonna hold you up to some degree, perhaps to
14 a significant degree. If you just wanna
15 have a, a, a subset of the members act as,
16 as a hearings officer in a particular
17 contested case, that's fine, that's
18 permissible, that would streamline the
19 process but again as you point out it still
20 gonna come before the full board; any, any
21 sub group who preside over the hearings
22 still has to compile his report and present
23 it to everybody as a body to make its final
24 decision.

1 MEMBER GERBIG: Also, at, in a committee
2 like this, you still have to have all the
3 back up infrastructure, the, we have to have
4 the attorney there at the committee, I mean
5 if we're having, the subcommittee is having
6 a, y'know taking care of the appeal on
7 behalf of the full board..

8 MR. GALAZIN: Yeah, the, the..

9 MEMBER GERBIG: They have to have all of
10 that same..

11 MR. GALAZIN: The terminology, you gotta be
12 careful here because a subcommittee is a
13 committee formed by the board under the
14 Sunshine Law just to investigate, still
15 subject to the Sunshine Law. The same set
16 of people or the same number of people can
17 be hearings officer. So in that case I
18 think what you're talking about is if
19 several members are acting as the hearings
20 officers for..

21 MEMBER GERBIG: They have to..

22 MR. GALAZIN: A given contested case, a
23 given appeal then yes, you would have to
24 have an infrastructure in place as you

1 mentioned.

2 MEMBER GERBIG: Ok, so it wouldn't save us
3 any money.

4 (laughter)

5 CHAIR HOWDEN: But there'd be a court,
6 court reporter there. The full board would
7 have a chance to review the documents before
8 a decision is made. And, John, just one
9 thing I'd mention that, y'know Bob Horcajo
10 came in last time and pleaded that we
11 expedite the hearings process and this is
12 also something I've heard from other people
13 is that, it's just we're moving so slowly
14 with the appeals because of the 60 days and
15 continuances and all like that, that I, I
16 think it would really facilitate our serving
17 the county to be able to move this forward a
18 little more quickly and we'll still have the
19 full powers of review.

20 MEMBER HOXIE: Well, in, in reading the
21 minutes and the comments from Bob Horcajo I,
22 y'know, I try to focus on y'know what is the
23 problem, what are we trying to fix? If
24 there are delays then let's get, let's get

1 going on this stuff. That's up to us to do.
2 Let's schedule 'em, y'know let's get going
3 on it. And I think we can do that without
4 forming a subcommittee, that's my point.

5 VICE CHAIR ROBINSON: Well, well, we had
6 suggested that we double up and, and so if
7 we do double up and we, we have to hear 2
8 appeals we will be here probably for an
9 entire day. You can count on it. We'll be
10 having, have lunch...

11 MEMBER GERBIG: Agreed.

12 VICE CHAIR ROBINSON: And, I mean, having
13 been through this, some of us, we know what
14 it takes. And there have been...

15 MS. HAYASHIDA: But, I know that you and
16 Ted have to leave at 11 so...

17 VICE CHAIR ROBINSON: I don't have to leave
18 at 11.

19 MS. HAYASHIDA: Ok.

20 VICE CHAIR ROBINSON: I mean, I, there's
21 another meeting that I go to after this that
22 meets at 11, but if it's an appeal and I
23 have to be here then I, I forego that
24 meeting.

1 MS. HAYASHIDA: Ok, so, yeah, 'cause as
2 long as the members are committed to setting
3 aside the whole day to hear and maybe it
4 might not, might be more than a day, you
5 might have to come back and finish up so,
6 yeah, as long as there's a commitment by the
7 board to, to do that I don't see a problem
8 with loading up, doubling up hearings.

9 VICE CHAIR ROBINSON: What I remember is
10 that often we get the full proceedings and I
11 have, I've been trying to streamline my
12 office and so I went through my basket and
13 there was a thing that was about that thick
14 and that's why I, looking to the possibility
15 of someone hashing through all that and
16 y'know and then making a recommendation to
17 me, I'm, I guess that's where I would lean
18 toward, someone taking up some of that slack
19 'cause it's a huge amount and we think the
20 Water Use and Development Plan is hard to
21 get through. Try, try y'know.

22 MEMBER GERBIG: Yeah, the development plans
23 are not y'know every, every week but the
24 appeals, if you do form a subcommittee

1 we're, aren't we, we're still, we're almost,
2 it's a duplication, what we're doing now
3 with the full committee. So it, it...

4 MS. HAYASHIDA: Another alternative is for
5 the board meeting more than once a month.

6 MEMBER GERBIG: That would be the other
7 alternative.

8 MS. HAYASHIDA: You could do that. Maybe
9 one day, I don't know, or y'know this...

10 MEMBER GERBIG: That's another alternative.

11 MS. HAYASHIDA: But again, y'know, that way
12 at least the whole board, you don't have a
13 subcommittee presenting their
14 recommendations and another meeting the
15 board makes their decision.

16 MEMBER GERBIG: Yeah, the, along that same
17 line the problems in scheduling and
18 cancellations or obtaining the 60-day
19 notice, you mentioned some other
20 notification, is that a problem?

21 MS. HAYASHIDA: The notification to the
22 appellant...

23 MEMBER GERBIG: Oh.

24 MS. HAYASHIDA: As to the date, time and

1 place...

2 MEMBER GERBIG: How many days?

3 MS. HAYASHIDA: That I don't know. I was
4 going to assume 30 days but nobody's gotten
5 back to me as to the notification time.

6 MEMBER GERBIG: But, I mean, the
7 notification to the appellant, how many days
8 notice do they have, do we have to give
9 them?

10 MS. HAYASHIDA: That's my question to...

11 MEMBER GERBIG: Don't know?

12 MS. HAYASHIDA: Corp counsel. I was going,
13 I was assuming it was 30 days but I don't
14 know. And I think Mr. Kushi has some
15 concerns about the notification letter to
16 the appellants not being as complete as he
17 would like it to but again I have not gotten
18 any direction as to...

19 MEMBER GERBIG: But if you have, ok, you
20 went to corporate counsel and you've given
21 them 60 days and they say you have to give
22 them notice in 60 days and they give, do
23 they, how many days do they have to...

24 MS. HAYASHIDA: Oh, they respond right,

1 well...

2 MEMBER GERBIG: They do?

3 MS. HAYASHIDA: They respond right away as
4 to who is being assigned the case.

5 MEMBER GERBIG: So that's no, no problem
6 with them.

7 MS. HAYASHIDA: That's no problem. But I
8 think it's for them to review the case and,
9 'cause normally when I put in the request to
10 corp, for corporation counsel I do put in,
11 tell them when the date, the hearing is
12 scheduled for, so. So then that's like 60
13 days. And then it would be up to
14 corporation counsel and the department to
15 get together to plan their, ah case.

16 CHAIR HOWDEN: Yeah, I'd just like to say
17 that because I'm still practicing medicine
18 I, I generally need to, if, if I see an
19 appeal then I'll put my patients like 2 or 3
20 o'clock in the afternoon but ordinarily I'm
21 back in my office by 1 o'clock. Y'know if
22 it's not like major type stuff I really
23 can't commit to an extra meeting..

24 MEMBER GERBIG: To a full day.

1 CHAIR HOWDEN: And stuff like that. I
2 already do Board of Acupuncture in Honolulu
3 and stuff so, y'know I, I love the idea of
4 y'know 3 of our members working as hearings
5 officers and just to try to expedite this
6 because we haven't been, haven't been moving
7 and I really feel that the criticism from
8 the, from our community are, are quite
9 valid. Y'know it just seems like more of
10 this amorphous county government stuff where
11 things don't get addressed.

12 VICE CHAIR ROBINSON: Right.

13 MEMBER GERBIG: If, I see your point, that
14 some people have to leave. Well, what
15 about, I'm just throwing this out, what
16 about if we decide, y'know we do 2 appeals
17 say, whatever, say one, one appeal usually
18 is what? Usually get done by around noon?
19 No?

20 MEMBER YAMAMURA: It's case by case.

21 VICE CHAIR ROBINSON: We don't have any
22 idea.

23 MEMBER GERBIG: Don't know.

24 MS. HAYASHIDA: Depends on if, how

1 testifiers or people are gonna give
2 testimony.

3 MEMBER GERBIG: But, ok, can we, let say we
4 don't have the chairman here but we still
5 have a quorum, can we, we can still continue
6 on?

7 MS. HAYASHIDA: The vice, the vice chair is
8 here.

9 VICE CHAIR ROBINSON: That will be my
10 responsibility.

11 MEMBER GERBIG: Vice chairman, huh? We
12 could still continue on with the appeal that
13 day then.

14 CHAIR HOWDEN: Of course.

15 MEMBER GERBIG: Complete it out, yeah.

16 CHAIR HOWDEN: Yeah.

17 MEMBER GERBIG: We would, you'd do that
18 anyway probably, yeah? Yeah, ok, whatever,
19 yeah. So that could be done. Ok, you
20 answered my question.

21 MS. HAYASHIDA: So, just let me know what
22 you want...

23 MEMBER HOXIE: I would, I would suggest
24 that y'know the chairman get more, schedule

1 'em, get 'em going, y'know, get the, work
2 with Gaye...

3 CHAIR HOWDEN: I, I, I don't do the
4 scheduling at all.

5 MS. HAYASHIDA: He doesn't...

6 VICE CHAIR ROBINSON: No, Gaye does.

7 MEMBER HOXIE: Somebody has to coordinate
8 it.

9 CHAIR HOWDEN: I do regularly show up at
10 her office and pound on her door and demand
11 that we move forward.

12 MS. HAYASHIDA: Ok. Yeah, normally I
13 schedule one hearing per month but as you
14 guys notice the last few months we haven't
15 had a case and that's because I didn't know,
16 postponements and, anyway. There is an
17 appeal scheduled for July 23rd. There is
18 only one appeal scheduled that day. I could
19 try and see if corp counsel has had time to
20 review the, the other case that's scheduled
21 for August, try and put that on but I can't
22 guarantee they would be ready. I'm thinking
23 that it's the same attorney that's
24 representing the council, ah, the department

1 for both cases. So if that's possible we
2 could put 2 cases in July and I know the
3 appellant, the other appellant would be very
4 happy to have his case heard earlier, but,
5 oh, and then, well actually take that back
6 because we've pushed, ok, we pushed Michael
7 Perry's back to August so I think the guy
8 that was scheduled for August would be happy
9 to have his case heard in July if you want
10 to do it that way. And then Michael Perry's
11 appeal can be heard in August.

12 VICE CHAIR ROBINSON: Would be in August?

13 MS. HAYASHIDA: Yeah. Remember he, both
14 corp counsel and Isaac Hall had mutually
15 agreed to postpone it to a later time and it
16 was agreed that it would be August.

17 VICE CHAIR ROBINSON: And it's August 19th?

18 MS. HAYASHIDA: Ah, no. August, August
19 26th.

20 VICE CHAIR ROBINSON: And the appeal in
21 July is on the 22nd?

22 MS. HAYASHIDA: Twenty-second. And that
23 tentatively is Keauhou O Honua'ula and if
24 you want I could put Mr. Greg Davidge on.

- 1 VICE CHAIR ROBINSON: Ok. Let's do it.
- 2 MEMBER YAMAMURA: So you're budgeting for
3 an all day meeting that day?
- 4 MS. HAYASHIDA: We have the meeting room
5 until 3. I can see if I can get it extended
6 to 4 but we have to leave before the Liquor
7 staff leaves for the day.
- 8 VICE CHAIR ROBINSON: And that's at what
9 time?
- 10 MS. HAYASHIDA: Four thirty.
- 11 VICE CHAIR ROBINSON: At 4:30.
- 12 MS. HAYASHIDA: So I'm gonna assume 4
13 o'clock we need to...
- 14 MEMBER YAMAMURA: Do we need a quorum
15 throughout?
- 16 MEMBER HOXIE: Uh huh, probably.
- 17 MS. HAYASHIDA: If it's for the whole
18 board.
- 19 MR. GALAZIN: Well, is it, you're talking
20 about a contested case?
- 21 MEMBER YAMAMURA: Well, its' a hearing,
22 appeals.
- 23 VICE CHAIR ROBINSON: It's an, it's an
24 appeal.

1 MR. GALAZIN: Yeah, you would need a quorum
2 although regular Sunshine Law stuff doesn't
3 apply but...

4 MEMBER YAMAMURA: So before you...

5 MR. GALAZIN: For voting purposes, yeah,
6 you would need...

7 MEMBER YAMAMURA: Gaye, perhaps before you
8 book the 2 you may need sort of contact all
9 the members and see who can stay next
10 meeting as long as it takes.

11 VICE CHAIR ROBINSON: Yeah, 'cause we may
12 have to go into our executive session at the
13 next meeting if we don't have time.

14 MS. HAYASHIDA: Ok, so, well, I got you all
15 here.

16 CHAIR HOWDEN: Y'know, Kui's coming from
17 Molokai, y'know and so...

18 MS. HAYASHIDA: Well, Kui's flight doesn't
19 leave 'til like 5.

20 CHAIR HOWDEN: Ok.

21 MS. HAYASHIDA: And she doesn't have to be
22 at the airport until like maybe 3:30, 4
23 o'clock.

24 CHAIR HOWDEN: They don't close the gates

1 to the Hana Highway...

2 (laughter)

3 MEMBER EASON: I'll just go Kaupo way.

4 CHAIR HOWDEN: Ok.

5 MS. HAYASHIDA: So, so if we have 2 appeals
6 on the 22nd, how, ok, she can stay and you,
7 you all can, are agreeable to...

8 CHAIR HOWDEN: Flag me so then I can...

9 MEMBER EASON: That's the 22nd?

10 MS. HAYASHIDA: Yes, the 22nd. I don't
11 think there will be a problem in having the
12 room until 4 o'clock but I'll double check
13 with the Liquor Control people.

14 CHAIR HOWDEN: And where do we go on our,
15 y'know some members has, do we wanna move
16 forward with this in terms of...?

17 VICE CHAIR ROBINSON: Having an appeals
18 committee versus the whole board hearing the
19 whole thing?

20 CHAIR HOWDEN: Yeah.

21 MEMBER YAMAMURA: Why don't we give a try
22 to that 2 appeals next meeting and see if
23 that'll work.

24 VICE CHAIR ROBINSON: Yeah and that every...

1 CHAIR HOWDEN: And meanwhile Ed can review
2 this and come up with this list of
3 objections.

4 MEMBER EASON: Good idea.

5 MEMBER YAMAMURA: Do we know that this is
6 nothing new because when Scott Luck was
7 trying to do this, this was awhile ago. I
8 think it was promulgated by Mr. Horcajo's
9 comments last meeting, which is nothing new
10 again; in that he came in and now he has to
11 wait 'til 2011 before his appeal will even
12 be considered let alone be heard and so
13 that...

14 MEMBER HOXIE: But he's not on the list
15 here.

16 MS. HAYASHIDA: Oh, sorry, yeah, ok. You
17 weren't here at the last one.

18 MEMBER HOXIE: Yeah.

19 MS. HAYASHIDA: That's the previous list,
20 sorry.

21 MEMBER HOXIE: Oh, ok.

22 MS. HAYASHIDA: But, um, yeah.

23 MEMBER HOXIE: Can I get a latest, the
24 latest one?

- 1 MS. HAYASHIDA: I can email it to you.
- 2 MEMBER GERBIG: Me too.
- 3 MS. HAYASHIDA: So, so next July, again, my
4 problem is with the notification letter. I
5 have to wait for Ed Kushi to ok my letter.
6 I'm gonna hope that we don't have to follow
7 the 30-day rule because we don't 30 days
8 from now to the next hearing date, so I
9 don't know.
- 10 MEMBER YAMAMURA: These dates.
- 11 MEMBER HOXIE: You just gotta get going.
- 12 MEMBER GERBIG: Yeah, get 'em moving.
- 13 MEMBER HOXIE: There'll be hitches but we
14 just gotta get going.
- 15 CHAIR HOWDEN: Ok. So, members agenda
16 items for our next meeting?
- 17 VICE CHAIR ROBINSON: Well, if we got 2
18 appeals we better limit those.
- 19 (laughter)
- 20 CHAIR HOWDEN: Don't be shy. Don?
- 21 MEMBER GERBIG: My...
- 22 VICE CHAIR ROBINSON: Future agendas.
- 23 MEMBER GERBIG: My revision to the, to the
24 testimony from the public statement on our

1 board, on our agenda, where I revised it to
2 state that we would only take testimony on
3 the agenda and da, da, da, da, da, that was
4 never changed and I don't know where we
5 stand on that. But I can give it out, my
6 suggestion and..

7 CHAIR HOWDEN: If Gaye can check with Ed on
8 that.

9 MEMBER GERBIG: Don't have to do it..

10 CHAIR HOWDEN: I think..

11 MS. HAYASHIDA: If I remember rightly..

12 MEMBER GERBIG: Did Kushi say..

13 MS. HAYASHIDA: Mr. Kushi said that he
14 will, I guess..

15 MEMBER GERBIG: When he gonna evaluate it
16 or..

17 MS. HAYASHIDA: Well, I think he said that
18 his opinion was that we let people speak,
19 that is their right to give public
20 testimony, he, and it is up to the chair to
21 y'know, tell them but he doesn't want, I
22 think what Mr. Kushi said he doesn't want
23 the board to bar anyone who wishes to give
24 public testimony unless y'know they're

1 talking about moon rocks...

2 MEMBER GERBIG: Selling carpets.

3 MS. HAYASHIDA: Or something, then he said
4 that he will advise the chair that maybe
5 this is not y'know on the agenda.

6 MEMBER GERBIG: Oh.

7 MS. HAYASHIDA: He doesn't want, he doesn't
8 want the board to bar anyone from giving
9 public testimony, that was my understanding.
10 And yeah, so.

11 MEMBER GERBIG: Well, I just don't like
12 being blindsided that's all. Like Horcajo;
13 that was blindsided. He wasn't on the
14 agenda. I have no, y'know, if I, would've
15 been great to have preparation on that then
16 we could probably, we're, better discussion
17 but he just came in here and gave us all
18 this stuff and I, nothing. I had, no one,
19 y'know, like to kinda know what's going on
20 beforehand and then we can be prepared.

21 We'd have had a better discussion I think
22 too at the time. Ok, that's my point.

23 MS. HAYASHIDA: So, did you want to bring
24 that up again? The revision to public

1 testimony?

2 CHAIR HOWDEN: Don, you want to put that on
3 the agenda.

4 MEMBER GERBIG: If he's already said no...

5 MS. HAYASHIDA: Well, he didn't, well...

6 MEMBER GERBIG: Well, let's put it on and
7 just get it off the books.

8 CHAIR HOWDEN: Yeah, yeah and, and, we can
9 address it or not if we have the time.

10 MEMBER GERBIG: Yeah, he doesn't, can
11 revise it too maybe whatever, ok.

12 CHAIR HOWDEN: Anything else for board
13 members.

14 VICE CHAIR ROBINSON: Is there, is there
15 any reason for us think that we may need to
16 be talking about drought and drought
17 changing warnings to, I just wanna be
18 prepared because we're, we're in summer and
19 we're already getting alerts about Upcountry
20 and the like so I just think that we have to
21 maybe plan ahead that we maybe having a
22 discussion about drought.

23 MEMBER HOXIE: Yeah, good point, yeah.

24 VICE CHAIR ROBINSON: Yeah.

1 MEMBER GERBIG: I, I agree. I just, yeah,
2 what, y'know, just to maybe evaluate what we
3 have going as far as not water conservation,
4 I, that was incorrect, I was looking at
5 water conservation but it, it's what drought
6 situation, what is the policy or what's
7 happening or what, do we have enough..

8 CHAIR HOWDEN: Countywide, is there enough
9 redundancy in the system to take care of
10 immediate needs and we drying up everywhere.

11 VICE CHAIR ROBINSON: Right.

12 MEMBER GERBIG: Yeah.

13 CHAIR HOWDEN: So, let's put that on.

14 MEMBER GERBIG: But I mean notifications
15 and things is that all.

16 CHAIR HOWDEN: Yeah, and, and I will say
17 that the department I believe can call, put
18 mandatory restrictions on its own, the
19 director can do that.

20 MEMBER HOXIE: That would, yeah they don't
21 need our approval.

22 VICE CHAIR ROBINSON: Yeah, we're only
23 advisory.

24 CHAIR HOWDEN: They don't need us. They

1 just use us as a front...

2 MEMBER GERBIG: They just have to do it.

3 CHAIR HOWDEN: For the bad news.

4 VICE CHAIR ROBINSON: We get to be, we get
5 to be the bad cop.

6 MS. HAYASHIDA: Well, the department does
7 need to bring I guess get the board's
8 support in, when they declare a drought.

9 CHAIR HOWDEN: They, they'd like our
10 support. Share the blame.

11 VICE CHAIR ROBINSON: Yeah.

12 MEMBER HOXIE: Well, that's why I think an
13 agenda item next time is good too.

14 CHAIR HOWDEN: Ok.

15 MEMBER GERBIG: Discuss it.

16 CHAIR HOWDEN: Anything else? Ok, so
17 Phyllis and I are gonna depart and Ted has
18 agreed to chair the meeting and there you
19 go, young man. Ok. Thank you.

20 VICE CHAIR ROBINSON: Thanks everybody.

21 (Chair Howden and Vice chair Robinson leave)

22 MEMBER YAMAMURA: Hey, Jacky, it's all
23 yours.

24 MS. TAKAKURA: Ok, thank you. I'm Jacky

1 Takakura with the Department of Water
2 Supply. I'm the Administrative Officer and
3 I get to do all kinds of interesting things
4 like go to schools. Tomorrow I'll be going
5 to St. Joseph Pre-school, give the board
6 information, community association, I also
7 do human resources, that gives me kinda
8 unique perspective of what goes on in the
9 Water Department. And I'm gonna give you
10 and overview of how we work and I'm gonna
11 just kinda break it down into Water, the
12 general terms about water, and then some
13 basic information about the department and
14 the functions of water utility, any water
15 utility. And then a little bit about our
16 organization, the way we're set up and how
17 the work gets done. And then just go over
18 our goals, ok? And go ahead and ask
19 questions anytime, ok? So, this is just
20 basic and in fact I use these same pictures
21 when I go to schools; the water cycle, yeah,
22 'cause we don't actually make the water
23 ourselves; it starts out in the ocean. We
24 have evaporation and then precipitation.

1 We're lucky in Hawaii, we have the
2 tradewinds that brings the clouds to our
3 islands and those clouds meet up with the
4 slopes of Haleakala and the West Maui
5 mountains and we have 2 things, surface
6 water and groundwater, ok? And on Maui
7 those are both very important. When you go
8 to the other island like Molokai or Oahu or
9 Kauai, they mainly rely on the groundwater
10 which soaks down into the ground. For
11 Central we, that's our main source but in
12 other areas like Upcountry Maui our primary
13 source is surface water. So here on Maui,
14 both surface water and ground water are
15 really important for us. The other big
16 surface water user is in Waimea on the Big
17 Island. And I know Kauai has a new surface
18 water treatment facility. So they're just
19 getting started on that. But from Maui
20 we've been using surface water since, since
21 really long time. This is just another
22 diagram of how works in terms of geology;
23 the groundwater is in the rock. The rock
24 has, the rocks have pores and the water is

1 in those spaces. Where surface water is on
2 the surface of the water and that's why when
3 we have droughts surface water's the first
4 to go. That gets, well of course there's
5 evaporation but that gets used up and that
6 one is, we rely on the rainfall to replenish
7 that whereas groundwater it takes years for
8 the rainfall to soak down into the ground
9 and get into that, below the water table.
10 And here's just another picture. This is
11 actually from Oahu's Board of Water Supply
12 but the geology is pretty much the same on
13 the, in the Hawaiian Islands. You have the
14 aquifer under the land and below that though
15 is salt water. Ok, and that's why when we
16 drill our wells, we don't go too far out
17 towards the ocean. We wanna kinda stay
18 upward, more mauka so that we don't get too
19 close to where the salt water is, ok. And
20 also we do monitor the chlorides, the salt
21 levels in those aquifers because we wanna
22 make sure we're not pumping up more water
23 than Mother Nature's replenishing, ok,
24 'cause you can see the, on the left side,

1 the clouds, the rain and then that's soaking
2 down into the aquifer. And I know there are
3 some old plantation wells that are too salty
4 because they had been overpumped and they
5 became salty. And so what we do is we
6 monitor the chloride levels and then we can
7 move the pumping around if we need to; if
8 one we see starting to rise we can ease up
9 on the pumping of that well and maybe take
10 more water from another place. So it's
11 really good that we have that flexibility,
12 ok. Over on the Big Island, I just have a
13 little note there on the bottom that they
14 were doing some study on the geology, not
15 even looking for water, but they went down
16 past the salt water layer and they found
17 more freshwater. And so that's something
18 that we might be looking into in the future.
19 That was a surprise. I have 2 maps here;
20 one of Maui and one of the island of Molokai
21 and this is from the State Water Commission.
22 The Commission on Water Resources Management
23 as you probably know, oversees all the water
24 resources in the state, ok. And what this

1 map here is they're determination of the
2 various aquifers on the island. On their
3 website they have one for each island if you
4 wanna look that up, ok. And in then, the
5 small numbers underneath the names of each
6 aquifer show the expected sustainable yield
7 in million gallons per day of each aquifer.
8 For example our most important one is the
9 'Iao Aquifer and they've determined the
10 sustainable yield is 20 mgd or 20 million
11 gallon per day. You can only pump it's
12 either 80 or 90 percent of that so you
13 can't, we can't go beyond 18 million gallons
14 per day and so we have to watch our pumping
15 of that one. You can, and the numbers there
16 make sense because the more wet the area
17 like in the green area, in the Koolau range,
18 you see high numbers because that's where
19 there's the most rainfall. Whereas you look
20 south by Kihei, the Kamaole Aquifer, look
21 how big that is but it's only got a
22 sustainable yield of 11 mgd. So y'know,
23 that kinda makes sense the way the geology
24 works. Here's Molokai and you can see same.

1 In the more northeast corner you see it more
2 higher numbers and then as you get west it's
3 dry. And that's all by the State Water
4 Commission. Ok, so this is our water
5 system. Lanai as y'know is not part of the
6 county system. Our biggest area is the
7 Central system which includes Kihei because
8 they get the water from the West Maui
9 mountains, same as Kahului, Paia, Wailuku,
10 ok. And that's mainly groundwater from the
11 'Iao and the Waihe'e aquifers and then we
12 have one surface water treatment plant at
13 the 'Iao tank site where we filter water,
14 water from the 'Iao/Waikapu ditch and that
15 makes up about 5% of the water supply for
16 Central, the rest is all groundwater from
17 wells. There's about 20,000 services there
18 in terms of water meters. Upcountry is our
19 2nd largest system and that spans from Haiku,
20 Kula, Pukalani all the way out to Kanaio.
21 And that one is primarily surface water
22 which we filter and then a few wells in the
23 Haiku area. And then the, Lahaina, we have
24 about 3,000 services and that's about 2/3

1 surface water and 1/3 wells. And then Hana
2 and Molokai is all well, got water from the
3 wells. Molokai, we're just one of the many
4 players that provide water. There's
5 Hawaiian Homelands and then the ranch, so we
6 have about 1500 meters there but Hawaiian
7 Homelands is a big water service provider
8 there. And then you probably know there's
9 some private water systems on Maui too;
10 Kaanapali Water, Kapalua, ok, and then out
11 past Holokai Road in Hana, I mean Haiku;
12 that's all private.

13 MEMBER HOXIE: That's all, that's all
14 groundwater.

15 MS. TAKAKURA: Hana side?

16 MEMBER HOXIE: No, all the private systems
17 on, on...

18 MS. TAKAKURA: Well, Kapalua, they use
19 their surface water for irrigation but
20 Kaanapali is wells and Kapalua drinking
21 water is wells, yes.

22 MEMBER HOXIE: Haiku is wells too.

23 MS. TAKAKURA: A lot of people out there
24 have catchment.

1 MEMBER HOXIE: Yeah.

2 MS. TAKAKURA: Some private wells, yeah.

3 And them EMI I think they have water system
4 in Kailua..

5 MEMBER HOXIE: Right.

6 MS. TAKAKURA: Which is wells. And then
7 Hana Ranch has wells, too.

8 MEMBER HOXIE: Right.

9 MS. TAKAKURA: Our mission of the
10 Department of Water Supply is very simple,
11 To Provide Clean Water Efficiently. Clean
12 in terms of different things because there's
13 non-potable water, which is clean enough for
14 agricultural uses and then drinking water
15 which is very different; a very, we're,
16 very, very strict standards that we're
17 required to follow. Ok, a little bit about
18 the department. Ok, we've been around since
19 the territory days; created in 1949. Before
20 that there were just independent water
21 systems. Back then we barely had \$2 million
22 in assets. Now it's over \$300 million in
23 land assets. Ok, 35,000 water services
24 which are the meters. And we provide about

1 33 million gallons per day, ok, to Maui and
2 Molokai. This is just a picture of our
3 revenues and expenses. We're like a
4 business. We have to provide water, that's
5 our, the product we provide and by the
6 charter, we're self supporting. So every
7 year we do the budget, revenue and expenses
8 and it gets audited. You got a copy of the
9 annual report which has the independent
10 auditor's report in there. And for 2011,
11 our proposed budget is, actually revenues
12 are little bit less than expenses, 50
13 million in revenues and 51 million in
14 expenses.

15 MEMBER HOXIE: How come it went down,
16 Jacky, for next year?

17 MS. TAKAKURA: Holly has that and I have it
18 in 2 slides from here. It's mainly because
19 the debt expense went down.

20 MEMBER HOXIE: Ok, thank you.

21 MS. TAKAKURA: And you'll get a lot more
22 detail about this when we go through the
23 budget. The primary source of our revenue
24 is from the water bills that our customers

1 pay every 2 months. We do get some monies
2 from the water system development fee;
3 that's for when we install a new water
4 meter. It's about \$6,000 and those funds
5 are, you'll see that our funds are all in
6 separate accounts. So that, for example,
7 the water system development fee, which is
8 for new services, is for new expansion of
9 the water system, whereas the water bills go
10 mainly for operations and maintenance. When
11 we get grants or loans those are earmarked
12 for specific projects. For example, I'm
13 working on an EPA grant for almost a million
14 dollars for Kamole Treatment Plant high-lift
15 booster pumps and so that'll be specifically
16 for that project. And then we also get
17 bonds and those are usually for the really
18 big items which are specific also. You'll
19 see the different things that we do, where
20 our monies go. And like I mentioned
21 repayment of debt is a big one along with
22 electricity and personnel, ok, those are for
23 in terms our expenses. Payroll, \$11.4
24 million, budgeted for 2011; electricity,

1 17.7 million and these numbers haven't
2 really changed from last year. But the debt
3 service did go down a little bit. I think
4 it was 7 million budgeted last year. Now,
5 the functions of the Water Department and
6 this is for any water utility, is source,
7 having the water; treating it so that it
8 meets all standards; storing it so it's
9 always available; and then distribution, ok,
10 getting out to our customers. And these
11 just some pictures of the different well
12 sites; Waihe'e in Wailuku; Pookela Well
13 which we use in drought, which is across the
14 street from Pookela Church; the Waikamoi
15 Watershed which is the source for our
16 surface water; and then Kualapu'u is our
17 well on Molokai, that's our primary source
18 for Kaunakakai. And then treating the
19 water; these are some of the surface water
20 treatment facilities. The picture of the
21 Wailoa Ditch; the water gets filtered at the
22 Kamole Treatment facility. The ones on the
23 bottom are the, our Lahaina facilities;
24 Mahinahina, that's our workhorse actually,

1 that one produces about 2 million gallons a
2 day. And when we had the Kona storm back in
3 2007 and the intakes for the Lahaina
4 Treatment facility were all destroyed, the
5 Mahinahina Treatment Plant was providing for
6 almost all of Lahaina. So we have, were
7 able to get that water from Kapalua side
8 into Lahaina. I have a picture of the
9 Olinda Water Treatment facility. Those are
10 our employees upgrading the filters which
11 we've done in-house. And right now that
12 treatment facility, y'know we're talking
13 about drought, it's just producing enough
14 for the, our customers in the Olinda area
15 because the Kahakapao Reservoirs are so low.
16 We're having water pumped up from the
17 Piiholo Treatment facility for the Upper
18 Kula system. And hoping for some rain. I
19 see clouds there but they're not high
20 enough. Ok, storing the water so that it's
21 always there for all our customers. Just
22 some tanks. Our largest tanks are like
23 Mokuhou and the 'Iao tank, 3 million gallons
24 and then we have them, pretty much every

1 size, down to maybe 10,000, ok. And 295
2 million gallons total storage capacity. And
3 one of the projects our staff are working on
4 is the Department of Health Sanitary Survey
5 which is a few years old and what it is is
6 the Department of Health making sure that
7 the system is up to their standards.
8 Y'know, the hatches are locked, the gaskets
9 are all there, the screens are right sized.
10 So our guys have been really busy on working
11 on that and keeping these tanks and
12 distribution systems up to Department of
13 Health standards. Ok, and that's really
14 improving the water quality and keeping it
15 consistent level of quality and safe.
16 Distribution and transmission, that actually
17 is one our biggest parts of our operations
18 in terms of staffing; we have about 80
19 people in our Field Operations Division.
20 And they monitor about 750 miles of pipe.
21 And whenever there's a call in the middle of
22 the night like last night they were out on
23 Market Street fixing the breaks, they're
24 there. Ok, Christmas, New Years, midnight,

1 whenever. Our guys are on standby. A
2 customer call in, our dispatchers will
3 receive the call; we also have the SCADA
4 system which I'll show the computer
5 automated system, 'cause even me in the 5th
6 floor office I can look at our tank levels
7 and kinda see what's going on. They can
8 analyze the calls and send people out
9 whenever and wherever. Other things that we
10 do besides the basic, getting the water from
11 the source, treating it and getting it to
12 customers, is Engineering; designing and
13 building tanks sites, wells, treatment like
14 the bottom left picture is the GAC, the
15 carbon filters out in Napili, ok, because
16 over the years DBCP has been found in the
17 water from the pineapple. And so these
18 filters filter out the DBCP to non-
19 detectable levels but that's a project that
20 our engineers would do to get that in there.
21 The bottom right picture is a drill rig for
22 one of the wells in Waihe'e. So designing
23 construction is primarily their function. I
24 mentioned the computer system that monitors

1 the tank levels and the pumps and chlorine
2 levels. This was installed by our own
3 staff. And like I said even in the county
4 building we can look and see what are the
5 tank levels out in Ulupalakua or what's
6 going on in Molokai or in Hana. And the
7 Plant Operations personnel can, they take
8 home laptops so that in the middle of night
9 when we get a SCADA alarm they can look and
10 say hey, what's the problem. Do we really
11 need to send somebody or can it wait 'til
12 the next day. That's been helpful in
13 managing overtime expenses. Water quality
14 like I mentioned, drinking water has very
15 strict water standards, federal and state
16 standards in terms of what can and what
17 cannot be in the water. So are lab is
18 certified and they check for things like
19 bacteria; they do chemistry samples, metals,
20 all kinds of different things to make sure
21 the water meets all the water quality
22 requirements. Y'know, it's interesting, I
23 went to a class on regulations and there's a
24 lot of food additives that you can't even

1 put in the water. It's just amazing how
2 strict the water standards are and it's good
3 y'know. Make sure that it's always safe.
4 One of the things that we devote monies to
5 every year and it's usually around a million
6 dollars is protecting the watershed, the
7 lands where we get our water source. And
8 the biggest area is the one you can see
9 along Haleakala, the East Maui, East Maui
10 watershed, that's about 100,000 acres. And
11 the other primary one is the West Maui
12 Mountains Watershed Partnership, that's
13 about 50,000 acres. And we're a partnership
14 with the state and the landowners in
15 protecting those lands. And it's things
16 like fencing to get the, keep the deer and
17 goats out or the pigs. Getting rid of the
18 invasive species like miconia. And even
19 other areas like y'know the bottom part of
20 the Haleakala when you can see leeward
21 Haleakala, that's not one of our water
22 sources but it is a watershed and so we, we
23 feel it's important enough to devote monies
24 for that project too. Even Lanai and

1 Molokai actually is for our water source.
2 And then also funding for USGS; we work in
3 partnership with them for monitoring of the
4 aquifers and the streams. And they recently
5 came out with some really useful information
6 about the Na Wai Eha streams. Like I
7 mentioned complying with the state and
8 federal laws. And then like I mentioned
9 also we're like a business so we do our
10 accounting, the billing, purchasing,
11 reviewing permits, a lot of different things
12 to keep the water system going, a lot of
13 background work. The rules are very strict
14 and for a lot of different things; Lead and
15 Copper Rule is something that we have to
16 monitor even though it's lead and copper
17 inside the customer's homes not necessarily
18 out in the distribution system. Surface
19 water treatment rules, as you can imagine,
20 the rules for surface water are a lot
21 stricter than the rules for groundwater
22 because you can imagine there's so many more
23 potential contaminants that can be in
24 surface water. In the watershed there's

1 animals, there's a lot things so filtering
2 the water, the surface water there's lot
3 stricter rules that we have to follow.
4 Groundwater rules are becoming more strict
5 like I mentioned that Sanitary Survey is
6 part of that in having to keep the water
7 safe once it's out in the system. Right now
8 we only have to disinfect; we add some
9 chlorine to the water but that could
10 possibly change as the rules get stricter.
11 We're working with the Department of Health
12 on that. Certification, our higher level
13 operations personnel in Field Operations and
14 Plant Operations, even in Treatment Plant
15 which has been longer, have to be certified;
16 they have to pass a test and get a license
17 and for some of them that's a challenge.
18 They've been working as pipefitters for
19 years; they've been out of high school for a
20 long time and to have to sit down and take a
21 test and do math it's kind of a challenge.
22 But slowly we're getting them, y'know we're
23 trying to provide the training and get them
24 to take the test and pass. But y'know

1 they're getting it.

2 MEMBER GERBIG: Tell, they can go anyplace
3 in the whole United States and get a job
4 once they got it.

5 MS. TAKAKURA: Well the certifications are
6 done by state but there's a lot of
7 reciprocity, yeah.

8 MEMBER GERBIG: There is, huh?

9 MS. TAKAKURA: Ok, and then security after
10 2001 we really had to lock down our
11 facilities and put up fences and gates
12 things like that too. Ok, let me talk a
13 little bit about the department. We have 6
14 groups. Gaye and I are part of
15 Administration and we kinda work with the
16 overall administration of the department.
17 There's Fiscal, Engineering, Water Resources
18 and Planning and that's the group the Water
19 Use and Development Plan comes out of, and
20 then we have our operation, Field, Plant and
21 Treatment Plant, and in all about 200
22 positions. This is a copy of, this is the
23 table and you can see there's the Director,
24 a Deputy which is currently vacant and

1 Administrative Officer, that's myself, and
2 on the bottom you can see the different
3 groups; Fiscal, Customer Service, and in
4 parenthesis are the number of employees. So
5 you can see that's 31.9; the reason why we
6 have fractions is because the college
7 interns are only counted as .3, they're not
8 counted as full employees.

9 MEMBER GERBIG: Why not .4?

10 MS. TAKAKURA: That, we're just going with
11 the budget as and actually you won't see
12 them in next year's table of org; those
13 positions have all been abolished, which is
14 unfortunate, but. Engineering, 26; Planning
15 Division about a dozen; Field Operations,
16 83; Plant Operations, 35; and then Treatment
17 Plant, 28.

18 MEMBER HOXIE: Jacky, was the deputy
19 position eliminated in the last budget go
20 around?

21 MS. TAKAKURA: No.

22 MEMBER HOXIE: It wasn't.

23 MS. TAKAKURA: No. We had 3 positions
24 eliminated. A clerk in the Planning

1 Division, our CIP Civil Engineer VI, and the
2 Field Operation Assistant Division Chief.
3 That was too bad 'cause then we have to go
4 through the work of all recreating them all
5 over again, but anyways. Ok, Engineering
6 Division, they review plans. The
7 developer's got a plan of building a
8 subdivision that has to come to us to make
9 sure it meets our standards. Y'know they
10 want to put in cheap plastic pipes if it's
11 not to our standards they can't. But
12 sometimes that takes a long time. They go
13 back and forth making changes and not doing
14 it so forth. They prepare plans, specs.
15 Especially when our employees do jobs in-
16 house. Capital improvement, and capital
17 improvement you'll see when we have the
18 budget, ok, you'll see we have 2 budgets.
19 We have the Operations and then we have CIP.
20 They work with consultants and the
21 contracts. Goodfellow Brothers are doing a
22 waterline project in Kihei, that's, they
23 would coordinate with the engineers. Plans
24 and specs for in-house projects like I

1 mentioned and then inspecting those
2 facilities under construction, ok, so the
3 contractor is not out there just building it
4 and doing whatever they want. We have an
5 inspector there that's watching, y'know,
6 making sure they're doing what they're
7 supposed to be doing.

8 MEMBER YAMAMURA: So there's no separate
9 section just for approving John Q. Public's
10 plans? It, it falls...

11 MS. TAKAKURA: In Engineering Division.
12 But we do have engineers devoted to permit
13 reviews in terms of the plans.

14 MEMBER YAMAMURA: Why is it still taking so
15 long? It seems to be the...

16 MS. TAKAKURA: Y'know the subdivisions take
17 a long time but the individual ones are
18 actually going by pretty quick. But
19 subdivisions take a long time. But we do
20 have, in the last, since December, we've
21 hired, we hired Tom, Curt, we've hired about
22 4 new engineers. We only have one
23 engineering vacancy right now, compared to 2
24 years ago when it was, we had like 8

1 vacancies. So we should really be seeing
2 things catching up. And I know right now
3 our division head, Herb Chang really wants
4 to focus on catching up on capital
5 improvement. And I know that I, 'cause I do
6 the annual report and see projects that were
7 in design for years and years and years; oh
8 now they're in construction, oh good. But
9 hope, I would hope that you do see an
10 improvement in the, things getting done
11 quicker and if you don't you should talk to
12 Jeff or let me know about that. Ok, Fiscal
13 Division, accounting, budget development
14 which you'll be a part of when that comes up
15 and I think that's usually about what,
16 September, October? Yeah. The audit which
17 you got a copy of; long range financial
18 planning; advising the director; customer
19 service so when you call, you have a
20 question on your bill or something's going
21 on; our meter readers, they're the ones who
22 answer the phones or they send you the
23 notice, oh, you've had unusually high
24 consumption or no consumption; they go out

1 and check. Payroll, we have our own payroll
2 that we take care of our payroll. We work
3 with the Department of Finance but we have
4 our own staff. And then of course,
5 purchasing and inventory. We have
6 warehouses in Lahaina, Upcountry, Hana,
7 Molokai, and at our baseyard. And then
8 bills and payments of course. And we do
9 have automatic bill payment and then we have
10 online bill payment, so for those people who
11 come in to pay their bills, I know Furlough
12 Friday is gonna be something that gonna,
13 might affect them; we encourage online bill
14 payment or automatic bill payment. It's
15 really easy. By the way, our first Furlough
16 Friday is July 16th. Ok, Planning Division,
17 planning, Water Use and Development Plan,
18 and when permits come from the Planning
19 Division it goes to this group for review.
20 Y'know like the special SMA's and things
21 like that, the unique ones. Source water
22 protection, we've had meeting with the
23 community on well-head protection which is
24 protecting the land around the wells because

1 if we can prevent pollution that's a lot
2 cheaper than having to try to get rid of it
3 later, if it's even possible to get rid
4 contaminants later. And looking at the even
5 the surface water areas too. They have all
6 the GIS layers of our water systems and they
7 work with the other county departments that
8 use this too. Ok, now our Operations, like
9 I mentioned Field Operations is by far our
10 biggest group with about 80 positions and
11 they take care of transmission and
12 distribution. In general, transmission is
13 the big pipes getting water from say the
14 Olinda Treatment Plant out to the Omaopio
15 Tank to Kamaole Tank to Ulupalakua.
16 Distribution is getting it from the bigger
17 lines to the customers, ok, to the service
18 laterals, to your homes, to the
19 neighborhoods. In general, distribution is
20 about the 3 inch or smaller but that's
21 always the case, always have exceptions.
22 They're the ones who get the calls when a
23 customer hits a hydrant or when you see a
24 leak on your property and you call them,

1 these are the ones that are getting the
2 calls. They get about 2 or 3,000 calls a
3 year. They maintain the storage tanks and
4 they do install some, sometimes; fix breaks
5 like last night, they're out on Market
6 Street. They flush the Upcountry water
7 system and their purpose of that is to
8 circulate the water; we have a lot of dead-
9 ends in the Upcountry water system and when
10 water sits it starts to stagnant, the
11 chlorine starts reacting and what we need to
12 do is get that stale water out of the dead-
13 ends. And so we have a crew of 5 that are
14 out there flushing regularly. So if you see
15 them, they're in the blue shirts. They're
16 supposed to have their safety vests. I know
17 customers say oh, it's waste of water, but
18 it's critical for our water quality. And
19 we've looked into trying to put it in a tank
20 or something, it's just not cost effective.
21 And they also take care of our vehicles, all
22 the equipment, the hydrants, reservoirs,
23 valves, the carpenters, the masons,
24 installing meters. They do a lot of

1 different things. And we staff in Makawao,
2 Lahaina, Molokai, Upcountry, ok. The Plant
3 Operations, they're a little bit smaller
4 group. They take care of the well sites.
5 So they have an important job too, even if
6 they're a little bit smaller group, they
7 take care of getting the water up to the
8 surface from the wells, into the tanks and
9 then pumping it. Like the booster pumps
10 that pump the water from the transmission
11 lines up to Wailuku Heights or up to Maui
12 Meadows. Like now we're pumping water from
13 Piiholo to Upper Kula system. This group is
14 in charge of all of that. Pump maintenance,
15 we have our electricians, 'cause we own our
16 own transformers like at Wailuku, Shaft 33.
17 So they deal with high voltage. And even
18 the Kamole pumps in Hali'imaile, y'know 400
19 horse power, those are really big, use a lot
20 of electricity. They monitor the deep well
21 pumps like I showed you that picture of that
22 SCADA system, Supervisory Control and Data
23 Acquisition. They've installed that
24 themselves and they monitor it.

1 Disinfection, they take care of all of that.
2 Our laboratory is part of this group.
3 They're taking samples everyday. And then
4 backflow and cross connection and what that
5 is is you'll see that like in front of the
6 schools you see the blue thing that sticking
7 out of the ground and going in and that's to
8 prevent water from going from, instead of,
9 normally it goes from our system out to the
10 customer, but to prevent it from going in
11 the opposite direction. All commercial
12 businesses are required to have backflow
13 prevention devices and cross connection when
14 water goes from one way to the other. And
15 the Treatment Facilities is for the surface
16 water. Out in Lahaina we have our 2
17 facilities, we have the 'Iao Treatment
18 Facility and then we have 3 Upcountry. Ok,
19 that's these. And that's filtering the
20 water and disinfecting it so it meets all
21 the surface water treatment rules. And then
22 those operators are also required to be
23 certified and they have different grades of
24 certification based on the treatment plants

1 they operate. Ok, so, this is our, what
2 we're looking for in the future; managing
3 those resources and protecting them,
4 protecting the watersheds, not using too
5 much, improving our distribution system and
6 that's a challenge because some of our pipes
7 like I mentioned y'know from our territory
8 days, some of our pipes are from those days
9 too. And it's really hard to get, they're
10 expensive to replace. So it's just trying
11 to plan for that. Compliance with the Safe
12 Drinking Water Act, meeting all the rules
13 and continuing with that mission to Provide
14 Clean Water Efficiently. So, in summary
15 Maui County, we're blessed with water
16 resources, surface water and groundwater.
17 We use both for our water supply. Our
18 assets are over \$300 million for our 35,000
19 customers. We provide about 33 million
20 gallons per day. And like I mentioned we're
21 just like a business, we have revenues and
22 expenses. We're required to be self-
23 supporting per the county charter. And our
24 primary functions are source, treatment,

1 storage and transmission. And with our 200
2 or so employees we do all functions of
3 providing water. We have planners,
4 engineers, human resources, clerks, people
5 who answer the phones, accountants, and
6 skilled trades and laborers. And so that's
7 all to make sure we meet the rules, we get
8 our water to our customers and that we
9 protect the water for the future. And that
10 we work on that mission Provide Clean Water
11 Efficiently. We're still working on it in
12 some places.

13 MEMBER GERBIG: What, what percent on the
14 island of Maui, what percent is groundwater,
15 what percent is surface water? Do y'know?

16 MS. TAKAKURA: I can tell you for each
17 individual system. For Molokai it's a 100%
18 groundwater; Hana also. Lahaina is 2/3
19 surface and 1/3 groundwater. And then
20 Central is 5% surface water, 95%
21 groundwater. And then Upcountry is gonna be
22 very small, groundwater, that would be maybe
23 a million out of 9 million, so maybe a
24 million gallons a day at groundwater out of...

1 MEMBER GERBIG: Out of 9 million.

2 MS. TAKAKURA: Yeah, so 8 million gallons
3 for, is surface water so. I have to, I have
4 to do the math, add them all up.

5 MEMBER GERBIG: Interesting.

6 MS. TAKAKURA: And that's what makes us a
7 little bit different from the rest of the
8 counties in Hawaii, is there are almost all
9 groundwater, slowly moving to surface water
10 too though. Ok, and if you ever need to
11 look anything up, almost all of this
12 information is on our website, which I
13 maintain. So if you have questions about it
14 or you're looking for something you don't
15 find or something doesn't make sense, ask me
16 and then I can see if I can change that. Ok
17 any questions?

18 MEMBER GERBIG: Thank you.

19 MEMBER YAMAMURA: Any questions for Jacky?
20 No?

21 MS. TAKAKURA: And y'know the annual report
22 which you have has a lot of information too
23 if you have a couple minutes just to leaf
24 through it.

1 MEMBER GERBIG: This one?

2 MS. TAKAKURA: Yes.

3 MEMBER YAMAMURA: Ok, Jacky. Thank you so
4 much.

5 MS. TAKAKURA: Thank you.

6 MEMBER YAMAMURA: Very informative. Any
7 thing else we need to cover? If not the
8 meeting's adjourned. Thank you very much.

9

10

11

12 (The meeting recessed at 11:16 a.m.)

13

14

15

16

17

18

19

20

21

22

23

24

Prepared and submitted by:

Gaye Hayashida
Commission Support Clerk

Approved on: _____