

BOARD OF WATER SUPPLY
COUNTY OF MAUI

REGULAR MEETING
THURSDAY, SEPTEMBER 23, 2010

Held at the Department of Liquor Control
Conference Room, David Trask Building, Room 105,
Wailuku, Maui, Hawaii, commencing at 09:06 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

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4 BOARD MEMBERS:

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6 Michael Howden, Chair

7 Phyllis Robinson, Vice Chair

8 Kevin Boteilho

9 Patricia Eason

10 Donald Gerbig

11 Kui Lester

12 Kelli Myers

13 Ted Yamamura

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17 STAFF PRESENT:

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19 Jeffrey K. Eng, Director

20 Edward Kushi, Jr., Deputy Corporation

21 Counsel

22 Gaye Hayashida, Commission Support Clerk

23

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1 OTHERS:

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3 Madelyn D'Enbeau, Deputy Corporation

4 Counsel

5 Isaac Hall, Attorney for Keauhou O

6 Honua'ula

7 Zachary Franks

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1 CHAIR HOWDEN: Ok, I'd like to call this
2 meeting to order. Phyllis, Phyllis will be
3 right back. Ok. I'd like to acknowledge
4 the presence of other board members; Kevin
5 Boteilho, Don Gerbig, Ted Yamamura, Phyllis
6 Robinson is merely invisible, and our Hana
7 representative Patricia Eason. Ok.

8 MEMBER EASON: Thank you.

9 CHAIR HOWDEN: Ok. Director of the Water
10 Department, Jeffrey Eng..

11 DIRECTOR ENG: Good morning.

12 CHAIR HOWDEN: And our loyal Deputy
13 Corporation Counsel, Ed Kushi.

14 MR. KUSHI: Good morning.

15 CHAIR HOWDEN: And of course, ok. And Gaye
16 Hayashida, court reporter, loyal audience,
17 etcetera. We're just moving quickly because
18 2 of our members have to be out of here by
19 around 11, 11:15. Ok. Any announcements?
20 Gaye, any announcements? Ok. Minutes from
21 last time? Don?

22 MEMBER GERBIG: I move that we approve the
23 minutes of August 26, 2010.

24 VICE CHAIR ROBINSON: Second.

1 CHAIR HOWDEN: Ok. Those in favor?

2 (several ayes)

3 CHAIR HOWDEN: Ok. Good. Is there any
4 public testimony?

5 (silence)

6 CHAIR HOWDEN: So, here we are at appeals.

7 Shall we pause briefly? Ready to go? Ok.

8 Is Mr. Davidge gonna be here today? Or

9 should we move to the other one first?

10 Yeah, why don't we do that just in case.

11 Nah, we'll wait. Ok, Appeal, 6B, Appeal 09-

12 03, an appeal by Keauhou O Honua'ula, Pre-

13 hearing conference.

14 (at this time the board took up the appeal

15 of Keauhou O Honua'ula and then deliberated

16 in closed session on the appeal of Greg

17 Davidge)

18 CHAIR HOWDEN: Ok. Thank you, Phyllis;

19 thanks, board. No Unfinished Business.

20 Other Business, Discussion regarding setting

21 guidelines for public testimony and possible

22 board action. And its advocate, Board

23 Member Gerbig.

24 MEMBER GERBIG: Page 33 in your minutes.

1 No, page 4. I'm gonna look at this. Got
2 that? Gonna. When I first got on the
3 board, I thought that there was a lot of
4 testimony that was not pertinent to the
5 issues and I thought well, maybe the public
6 would have a, if we revised our agenda
7 policy on statement of testimony, the more
8 clear, the better clarified, and because in
9 the testimony from the public, the
10 paragraph, the top paragraph is what's in
11 there now. I just suggested well, maybe we
12 should be more clear and to clarify it I
13 listed the law that we're operating under
14 because primarily all we have power to do is
15 set the water rates which we haven't got to
16 yet. And also appeals and public hearings
17 required by us. But anyway on, on
18 testimony, so I just clarified it, the code,
19 put the code in all that and then I just
20 said that priority under the suggestion
21 revision, priority should be given to
22 testimony on appeals, that's our primary job
23 at this point, on appeals. And then
24 testimony related specific agenda items.

1 And testimony on appeals will take precedent
2 over all other agenda items related to
3 testimony. I don't know if I can say that,
4 Mr. Attorney, but I thought well, that would
5 be that, we want to keep this appeal thing
6 out, out in front 'cause that's our primary
7 purpose and that we don't fall behind in the
8 appeals, so. If I can say that priority
9 shall be given to testimony on appeals, I
10 don't know if that's possible but I'm
11 suggesting that. Then policy on presenting
12 agenda testimony, the board shall receive
13 testimony from those persons whose testimony
14 forms are submitted, that's the normal. Ah,
15 3 minutes are allowed that's the same as
16 before. Additional 3 minutes are allowed if
17 chairman may do whatever. And persons whose
18 testimony forms are submitted before it
19 convenes, before testimony portion ends
20 maybe allowed, time permitting to present
21 oral testimony, 3 minutes on agenda items.
22 Ok, back up, the second to the last
23 paragraph. Persons whose testimony forms
24 are submitted after the meeting convenes but

1 before the testimony portion ends may be
2 allowed, time permitting, to present oral
3 testimony, 3 minutes, on the agenda item and
4 the chair may grant an additional minute so
5 on. And then the bottom paragraph says,
6 testimony on non-agenda items may be
7 accepted at the discretion of the chair
8 provided the testimony can be shown to be
9 the benefit of the board members in carrying
10 out their responsibilities. So these would
11 be non-agenda items. They would be
12 permitted but that they should pertain to
13 something that the chairman's decision,
14 opinion, that would pertain to something
15 that would benefit the board in their
16 fiduciary responsibilities. That's all.
17 Not coming here and give testimony on color
18 of rugs in the state office building. It
19 should be something to do with water and on
20 Maui County.

21 CHAIR HOWDEN: Counsel?

22 MEMBER GERBIG: Well, Mr. Attorney, I think
23 it's up to you to look at my, anything that
24 is unacceptable.

1 DIRECTOR ENG: Where should you start?

2 (laughter)

3 MEMBER GERBIG: The whole thing.

4 (laughter)

5 MR. KUSHI: No, ok, under Suggested
6 Revisions, number 5, Testimony from the
7 Public, the first paragraph is fine,
8 relevant to agenda, meeting agenda's
9 specific items, and shall be relevant to the
10 authority of the board. The second one, I
11 really would suggest to leave out.

12 VICE CHAIR ROBINSON: Yeah.

13 MR. KUSHI: It starts, Priority shall be
14 given to testimony on appeals. Like again,
15 one of your major functions is what you just
16 did, the appeal. And it's a contested case
17 hearing. You can allow public testimony, at
18 the public testimony portion of the meeting
19 on any given agenda item including an
20 appeal. But I caution you guys before is
21 that when the public testimony, you don't
22 swear in public testifier and whatever it's
23 worth, when they testify at the appeal
24 portion they're under oath. But again,

1 there's nothing to preclude, preclude them
2 from testifying at the public hearing side.
3 But I wouldn't give them priority because
4 they have their chance at the contested case
5 hearing portion and they'll be under oath.
6 And then you can, as a board member, can
7 question them. So, that statement about
8 priority, I would suggest you leave out.

9 MEMBER GERBIG: Ok.

10 MR. KUSHI: The next section, Policy on
11 Presenting Agenda Items, everything's ok
12 until the last paragraph, Testimony on Non-
13 Agenda items may be accepted; I would just
14 leave that totally out, because the Sunshine
15 Law basically says testimony should be only
16 on agenda items. Now, if some, somebody
17 comes in and wants to testify about the
18 color of the rugs then it's up to the chair
19 to say what are you testifying? And some
20 boards and commissions just cut 'em out.
21 But again, if they're coming from Hana to
22 testify about the color of the rug and take
23 up 3 minutes of your time, let 'em go.

24 MEMBER GERBIG: Valuable time, you know.

1 (laughter)

2 MR. KUSHI: They've driven 2 hours to come
3 and tell you...

4 (several people speaking at the same time)

5 MEMBER GERBIG: Take it out of my social
6 security check, you know.

7 MR. KUSHI: So again, I would just leave
8 that out.

9 MEMBER GERBIG: Ok. How about the rest?

10 MR. KUSHI: The rest is fine with me.

11 MEMBER GERBIG: I thought that we would put
12 in the law just to cite that, everybody
13 that, they want reference, chairman can cite
14 the law, whatever something comes up, you
15 have that available too. Everybody
16 following...

17 MR. KUSHI: See again, depends on the
18 situation and the, and the...

19 MEMBER GERBIG: And you have it.

20 MR. KUSHI: And the, I guess the decorum,
21 like, you've been to council meetings, they
22 allow, they're very strict. The chair, the
23 full council meeting is very strict. They
24 have these lights that go on. The committee

1 meetings are kinda more lax. In City and
2 County Honolulu, they, you pass 3 minutes
3 they cut off your mike. That's how they
4 (inaudible). They shut off the mike.

5 MEMBER GERBIG: You have that opportunity,
6 the chairman, yeah.

7 MR. KUSHI: So again, you gotta be kinda
8 flexible.

9 MEMBER GERBIG: Oh yeah. No, but I, but
10 that's in your, your other 3 minute goal,
11 times are in there. I didn't change
12 anything in that respect.

13 MR. KUSHI: All the law says, give enough
14 opportunity to testify on any agenda item.

15 MEMBER GERBIG: Ok.

16 VICE CHAIR ROBINSON: So, it does not say
17 in here how a person who is driving from
18 Hana, for example, finds out what our agenda
19 items are. Is there, is it on the Board of,
20 on the Department's website, I mean, how
21 does someone, do they call Gaye? I mean,
22 how, how do you find, actually find that
23 out?

24 MS. HAYASHIDA: It's published in the

- 1 county's website calendar.
- 2 VICE CHAIR ROBINSON: Ok.
- 3 MS. HAYASHIDA: And it is also emailed to
4 those who subscribe to this notification.
- 5 VICE CHAIR ROBINSON: Ok.
- 6 MS. HAYASHIDA: And we do post it at the
7 site...
- 8 MR. KUSHI: Second, second floor...
- 9 MS. HAYASHIDA: Yeah.
- 10 MR. KUSHI: Bulletin board posting for all.
11 And also at the County Clerk's office.
- 12 MS. HAYASHIDA: Yeah.
- 13 MEMBER YAMAMURA: And if they're interested
14 they can even call...
- 15 MS. HAYASHIDA: Yes.
- 16 MEMBER YAMAMURA: And find out.
- 17 VICE CHAIR ROBINSON: Right.
- 18 MS. HAYASHIDA: And I will mail them a
19 copy. We also do mailings for those die-
20 hard people that don't want it emailed.
- 21 VICE CHAIR ROBINSON: Ok.
- 22 MS. HAYASHIDA: We can also mail them the
23 hard copies.
- 24 VICE CHAIR ROBINSON: So there's, there's

1 plenty of ways to find out what is actually
2 on the agenda.

3 MS. HAYASHIDA: And you know, the simplest
4 thing is just call our office and we'll be
5 glad to send them a copy electronically or
6 by mail or how ever they want to, or direct
7 them how to look it up.

8 VICE CHAIR ROBINSON: Thank you.

9 CHAIR HOWDEN: So Ed, do we need to vote on
10 this or? With you know, as amended or?

11 MR. KUSHI: If the intent is to you know,
12 on our printed agenda form to include this
13 language, shouldn't be a problem. Yeah,
14 make a motion.

15 MEMBER GERBIG: I make a motion then, we
16 accept the, the revision minus paragraph 2,
17 Priorities, and minus the last paragraph,
18 Testimony on Non-Agenda Items, eliminate it.

19 MR. KUSHI: With that Mr. Chair, a
20 suggestion would be that I work with the
21 staff to revise the agenda form.

22 CHAIR HOWDEN: Great. Ok. There a second?

23 MEMBER BOTEILHO: Second.

24 CHAIR HOWDEN: Ok. Any further discussion?

1 Those in favor?

2 (several ayes)

3 CHAIR HOWDEN: Ok. Good. Congratulations.

4 MEMBER GERBIG: Thank you. I feel better.

5 VICE CHAIR ROBINSON: Well done, Don.

6 MEMBER GERBIG: The question I had after
7 the discussion was that Phyllis brought up
8 is I wonder if we should put the addresses
9 where the, on, just a thought, too late,
10 address on where people can find what the
11 agenda is.

12 VICE CHAIR ROBINSON: I think that's a
13 nice...

14 MEMBER GERBIG: But this is not passed out.
15 That's the only thing.

16 MEMBER LESTER: Yeah, it's not passed out.

17 MEMBER GERBIG: But maybe it should be put
18 on the form or something. I don't know, of
19 course, yeah you know, how, how, what
20 Phyllis asked the question about, how do
21 they know what's on the agenda. And it's,
22 there's nothing in writing that we have in
23 here on how to find out what it is. Should
24 we put something somewhere? I'm not saying

1 we, we have something to think about.

2 CHAIR HOWDEN: Ok.

3 MR. KUSHI: I think on the current agenda
4 form there is under Adjournment, there is a...

5 MEMBER GERBIG: There is? An address?

6 MR. KUSHI: There is a phone number to call
7 the board secretary.

8 MEMBER GERBIG: Ok.

9 MR. KUSHI: There's an address also.

10 VICE CHAIR ROBINSON: Uh huh. Delivered
11 and legible to, or faxing it..

12 MEMBER YAMAMURA: Yeah, there is an
13 address.

14 VICE CHAIR ROBINSON: 24 hours prior so
15 copies can be provided. And if it's
16 written, 15 copies, yeah, there's
17 information.

18 CHAIR HOWDEN: Ok. Agenda items for our
19 next meeting.

20 MEMBER GERBIG: Pardon.

21 CHAIR HOWDEN: Ha ha, now that we've taken
22 care of this or the (inaudible) you might
23 take the rest of the year off. Number 9,
24 Communications, we have a correspondence

1 from Castle and Cooke, dated September 15th,
2 regarding the Lana'i Water Use and
3 Development and Protection Plan. So, on,
4 on, in that regard I'd like to comment that
5 I'm having lunch with a couple of them next
6 week. Clay Rumbaoa, who's an engineer and
7 also the fellow who does the utilities over
8 there.

9 MS. HAYASHIDA: John Stubbart.

10 CHAIR HOWDEN: And Don's had lunch with
11 them, right?

12 MEMBER EASON: And I was invited to lunch
13 but...

14 CHAIR HOWDEN: Ok.

15 MEMBER EASON: I declined.

16 MEMBER GERBIG: I think Hoxie has too.

17 CHAIR HOWDEN: So, I mean, obviously we're
18 being lobbied. Ed's only caution, I mean,
19 it's one person at a time. And you have to
20 be careful how much they, your lunch costs.
21 I mean it's supposed to be under \$50.

22 MEMBER YAMAMURA: Oh, I should've eaten
23 more, damn.

24 (laughter)

1 MEMBER GERBIG: They didn't give me any
2 money under the table. I asked.

3 (laughter)

4 CHAIR HOWDEN: No red envelope. Ok.

5 MEMBER GERBIG: I'll be, I, I, I told them
6 you know, if you're gonna put something you
7 know, talk, why don't you give us a letter
8 so we have something. That's what this, I
9 said you know, send us all letters, talk
10 about what you want, so that's...

11 CHAIR HOWDEN: I think it's gonna be very...

12 MEMBER GERBIG: So we're all aware of
13 what's going on.

14 CHAIR HOWDEN: The hearing will be very
15 interesting over there. I pray that more
16 people come out so we have a sense of what
17 the community wants. The letter indicates
18 an objection of course to the allocation
19 chart which Ellen wanted replaced, along
20 with a thousand other things but, but she
21 did make a last request before she took her
22 vacation or whatever she did, that the
23 allocation table be replaced and I assume
24 that Water Resources is gonna send us

1 another allocation table.

2 MEMBER GERBIG: Did she put that request in
3 writing or?

4 CHAIR HOWDEN: No, she made that to me at,
5 after the hearing. But I, we've not
6 received anything from Water Resources so,
7 perhaps we might ask them for the new
8 version of the allocation.

9 MEMBER GERBIG: So, who is, who's gonna do
10 that for that?

11 CHAIR HOWDEN: Well, they must have, they
12 have someone running it now, yeah?

13 DIRECTOR ENG: Well yeah, Edna Manzano has
14 taken over the Lana'i plan but you know with
15 all these last minute errata sheets and all,
16 I really put a stop to that. It's getting
17 kinda ridiculous. The errata sheets, the
18 last one, a couple meetings ago, was as
19 thick as the plan probably shoulda been to
20 begin with. So, I don't know what's
21 happening on that as you know; disappointed
22 you know...

23 MEMBER GERBIG: Can I ask our attorney...

24 DIRECTOR ENG: I can talk to Edna and...

1 MEMBER GERBIG: Can we change this plan
2 now? Put a new allocation table in there?
3 That once this thing has already been
4 submitted to the public are we, is that
5 allowable?

6 MEMBER YAMAMURA: It's only a draft, right?

7 MR. KUSHI: It's a draft and a, if the
8 department at the hearing submits
9 supplemental drafts that's ok. I need to, I
10 need to say something right now about this
11 letter.

12 CHAIR HOWDEN: Please, please.

13 MR. KUSHI: This is the letter dated
14 September 15, 2010. It's addressed to Chair
15 Howden and the rest of you. Again, this is
16 a, it's not illegal, it's not prohibited.
17 But I suggest that you not discuss this
18 letter at this meeting. Just receive it and
19 prior to the, at the Lana'i public hearing
20 accept this as written testimony.

21 CHAIR HOWDEN: Ok, great.

22 MR. KUSHI: And it will be part of the,
23 the, all..

24 MEMBER GERBIG: Testimony.

1 MR. KUSHI: Any other written testimony at
2 the Lana'i hearing.

3 VICE CHAIR ROBINSON: So will that...

4 MR. KUSHI: And I advise you not to discuss
5 this letter and its contents at this meeting
6 because you, you scheduled a public hearing
7 in Lana'i.

8 VICE CHAIR ROBINSON: Ok. Can I ask a
9 question about that? So will this letter be
10 made available to the people at the public
11 hearing or is that not...?

12 MEMBER GERBIG: That'll be part of the
13 public testimony.

14 MR. KUSHI: Yeah, it's addressed to...

15 VICE CHAIR ROBINSON: To us.

16 MR. KUSHI: To the board and if any member
17 of the public wants copies of written
18 testimony...

19 MEMBER GERBIG: They can have it.

20 MR. KUSHI: They can have it.

21 VICE CHAIR ROBINSON: They can have it.

22 Ok.

23 MEMBER GERBIG: Sure.

24 MR. KUSHI: I mean, I'm surprised they

1 didn't cc the group. And for the record,
2 look at that page 3. Who signed this and
3 what kind of...

4 MEMBER GERBIG: Good question.

5 MR. KUSHI: What kind of handwritten
6 scribble is this?

7 CHAIR HOWDEN: I think his kid probably did
8 that. His baby.

9 MEMBER GERBIG: Are you, are you
10 complaining, huh?

11 MEMBER LESTER: Oh my goodness. It doesn't
12 even look like the name.

13 MEMBER GERBIG: That their handwriting is
14 not very good.

15 MEMBER EASON: It's a Palmer method.

16 VICE CHAIR ROBINSON: It looks like Etch-a-
17 Sketch to me.

18 MEMBER GERBIG: I think that's Egyptian
19 script.

20 MEMBER LESTER: Well, it's not his
21 signature. It says "for Clay".

22 MEMBER YAMAMURA: It's "for Clay".

23 VICE CHAIR ROBINSON: Oh yeah, somebody
24 signed it for him.

- 1 MEMBER LESTER: So somebody just went...
- 2 MEMBER GERBIG: Oh, "for", oh ok.
- 3 MEMBER LESTER: Circles and "for Clay".
- 4 MR. KUSHI: I suggest the board ask...
- 5 MEMBER GERBIG: He don't wanna be involved.
- 6 (laughter)
- 7 MR. KUSHI: Ask, ask Mr. Clay, who signed
- 8 this thing.
- 9 MEMBER GERBIG: Evidently.
- 10 CHAIR HOWDEN: Yeah, I'm sure it was his
- 11 kid.
- 12 MEMBER YAMAMURA: I thought my signature
- 13 was bad.
- 14 MEMBER LESTER: Now, you don't ask anybody
- 15 to sign for you.
- 16 VICE CHAIR ROBINSON: Ok.
- 17 CHAIR HOWDEN: But, but, but I would
- 18 recommend to the board, to the board members
- 19 who are gonna be at the hearing you know,
- 20 try to review the materials. This is pretty
- 21 big. Even though it's not our system, it's
- 22 not a public system, this is the, the future
- 23 of inhabitation on that island may well rest
- 24 on, on recommendations we make to the County

1 Council. So, take it seriously. This is a
2 very big thing. I know it's not part of our
3 purview; it's not as if we're harassing Jeff
4 about public systems but, but it's a very,
5 you know their system is, according to
6 Ellen, is very tenuous. I mean, if you're
7 counting on fog drip for over 50% of your
8 aquifer re-charge...I mean, that's not on the
9 letter. That's not on the letter.

10 MEMBER GERBIG: Yeah, they're not supposed
11 to...ah, Mr. Attorney, may I ask a question?
12 Ah, what was it I was gonna...

13 CHAIR HOWDEN: This is the part Ed really
14 likes about...

15 (several people speaking at the same time)

16 MEMBER GERBIG: Oh, the Water Use
17 Development Plan. This pertains to all
18 water use development plans. Once they are
19 accepted, the law says something about
20 they're being codified. So, once this Water
21 Use Development Plan or a water use
22 development plan is given to the county,
23 whatever is in there is accepted as the law?

24 MR. KUSHI: It's, it's accepted through an

1 ordinance. It's legislation, it's a plan.

2 It's, any, all ordinances are laws.

3 MEMBER GERBIG: Yeah.

4 MR. KUSHI: It's a plan and it says it's a
5 primary, primary guide as to how the council
6 will allocate water resources and funding.

7 MEMBER GERBIG: They, then if it is
8 accepted by them then they must follow it,
9 is that correct?

10 MR. KUSHI: Well, it, it just says it's a
11 primary guide.

12 MEMBER GERBIG: Huh?

13 MR. KUSHI: It's almost like, you know
14 these zoning laws, community plan, the
15 general plan, you know. Is that the zoning
16 law or, or not? It says what it says. It
17 says, Council shall look at these plans when
18 allocating water resources and allocating
19 county funds.

20 MEMBER GERBIG: So, if the water use..

21 MR. KUSHI: So, if, if it, if a project or
22 if a resource is not in the plan, I would
23 think it's an argument that the council
24 cannot...

1 MEMBER GERBIG: Cannot act on.

2 MR. KUSHI: Allocate resources to that, to
3 that project or that, that source.

4 MEMBER GERBIG: If there's something in the
5 plan that says this well shall not be pumped
6 beyond so many million gallons a day, is
7 that, the county is locked into that? Even
8 though, that maybe the well will be salty in
9 3 weeks, or whatever. Is...

10 MR. KUSHI: Again, you know...

11 MEMBER GERBIG: Those kind of numbers?

12 MR. KUSHI: When you get down to that kind
13 of specifics you're not only dealing with
14 the County, you're dealing with the State,
15 'cause they would monitor all, all these
16 groundwater wells. The State Commission on
17 Water Resources would come down or the
18 Department of Health would come down and
19 shut down the well.

20 MEMBER GERBIG: Yeah.

21 CHAIR HOWDEN: Even the Land Use Commission
22 has commented on the Lana'i...

23 MEMBER GERBIG: Oh ok.

24 CHAIR HOWDEN: Situation and, and has that

1 guidelines.

2 MEMBER GERBIG: Thank you.

3 CHAIR HOWDEN: Ok. The Director's Report.

4 DIRECTOR ENG: Well, I see you'd like an
5 update on the Waikamoi Flume design. It's
6 still being designed. You know, last night
7 I ran into Mike Munekiyo and they're
8 handling the EA portion of the design
9 project through their subcontractor. So
10 they're moving forward on that. It's
11 really, really early and premature for us to
12 get that much information. Again, then the
13 consultant only had the notice to proceed
14 only a month or so ago. So, we'll know
15 further as we proceed through the year.

16 CHAIR HOWDEN: Ok, Jeff, in terms of your
17 report versus agenda items, of course I went
18 to the Kula Ridge hearing last night, do you
19 wanna, next month comment on, on Kula Ridge
20 or should we bring that up as an agenda item
21 or?

22 DIRECTOR ENG: Well, as far as the Kula
23 Ridge project, I don't know, that's
24 something that the Water Department doesn't

1 really approve the project per se.

2 CHAIR HOWDEN: Ok.

3 DIRECTOR ENG: So, you know, it could be
4 something you would like to discuss with
5 related to the Piiholo South Well.

6 CHAIR HOWDEN: Ok. And, and where are we
7 on the Piiholo South at this point?

8 DIRECTOR ENG: We have requested the
9 developer to, to ah, to re-do the pump test
10 and water quality test and so we recently
11 sent him a protocol, our requirements.

12 CHAIR HOWDEN: Ok.

13 DIRECTOR ENG: So, I, I imagine he will be
14 scheduling that, preparing for that.

15 MR. FRANKS: (inaudible, out of microphone
16 range)

17 DIRECTOR ENG: You're not going to?

18 MR. FRANKS: No.

19 DIRECTOR ENG: Oh, ok, well.

20 CHAIR HOWDEN: Ok. So, it's not an agenda
21 item so I guess we can't ask Zach to comment
22 (inaudible). We're waiting breathlessly to
23 find out what's gonna...

24 MR. FRANKS: Would you like me to comment

1 or are you...

2 CHAIR HOWDEN: Well, it depends on what Ed
3 says 'cause...

4 MR. KUSHI: I would suggest not.

5 CHAIR HOWDEN: Ok. We'll let it go for
6 now. Thank you. Thank you for your
7 attendance. Ok. That's all folks.

8 VICE CHAIR ROBINSON: Well, can I just ask
9 a question about the Division Reports?

10 CHAIR HOWDEN: Sure.

11 VICE CHAIR ROBINSON: Jeff...

12 DIRECTOR ENG: Yes.

13 VICE CHAIR ROBINSON: In the daily average
14 Upcountry in Haiku, there's a, I don't know,
15 is this a typographical error, where under
16 August 2010 it says 1,814?

17 DIRECTOR ENG: Ok, this is...

18 VICE CHAIR ROBINSON: This is ah, page 2 of
19 the Division Report.

20 DIRECTOR ENG: Ok, so August of...

21 MEMBER GERBIG: Which one was this?

22 VICE CHAIR ROBINSON: August 2010.

23 MEMBER GERBIG: Upcountry.

24 DIRECTOR ENG: Ok.

1 VICE CHAIR ROBINSON: It says daily average
2 and it says 1,814. I don't have anything to
3 compare it to 'cause it doesn't give us
4 August 2009 but I was just wondering.

5 DIRECTOR ENG: Ok, see, so ok. Yeah, that
6 is, that was the average, exactly what it
7 says, daily average for the month August.
8 It, what was happening that...

9 VICE CHAIR ROBINSON: I was just comparing
10 it to July and, and it just, it seems like a
11 huge drop.

12 MEMBER GERBIG: Difference.

13 DIRECTOR ENG: Ok, what, what were we doing
14 there, ok.

15 VICE CHAIR ROBINSON: I just wondered if it
16 was a typographical error. Or whether or
17 not something went offline or something was
18 going on?

19 DIRECTOR ENG: So, you're saying that the
20 daily average of 1,312 for all of Upcountry
21 or just Hai...Oh, ok.

22 CHAIR HOWDEN: Haiku.

23 VICE CHAIR ROBINSON: It's the Haiku
24 amount.

1 DIRECTOR ENG: Ok, you know what, it, it's
2 undergoing repair.

3 VICE CHAIR ROBINSON: Oh, ok.

4 DIRECTOR ENG: Actually, actually pump
5 assembly replacement so at some point early
6 in August they shut it down.

7 VICE CHAIR ROBINSON: Ok.

8 DIRECTOR ENG: And it's still out of
9 service too.

10 VICE CHAIR ROBINSON: Ok.

11 DIRECTOR ENG: Currently in September so,
12 ok then. Good eyes.

13 VICE CHAIR ROBINSON: Well, it just, it
14 jumped out at me and I went whoa.

15 DIRECTOR ENG: Ok.

16 VICE CHAIR ROBINSON: Yeah. Ok.

17 DIRECTOR ENG: Yeah, usually when you see a
18 number change that drastically it's because
19 it's, something's going on operationally.

20 MEMBER GERBIG: Maintenance.

21 VICE CHAIR ROBINSON: Got it. Ok, so I
22 have another question which is having to do
23 with electricity costs and I, I, it's the
24 East District Water Summary Costs Per

1 Thousand Gallons. It's page 15.

2 DIRECTOR ENG: Ok, so this is the treatment
3 plant that Paul Seitz provides.

4 VICE CHAIR ROBINSON: So, when, when
5 there's so much fluctuation month to month
6 in the cost of electricity, what, what is
7 attributed to that?

8 DIRECTOR ENG: I'd say mostly it was the
9 amount of production. It almost kind of
10 patterns the seasonal water demands.

11 VICE CHAIR ROBINSON: Ok.

12 DIRECTOR ENG: 'Cause I think basically
13 electricity costs have been kinda stable for
14 this, this calendar year so far so kinda
15 tracking demand production.

16 VICE CHAIR ROBINSON: So it jumps all over
17 the place because of that, 'cause I noticed
18 that...

19 DIRECTOR ENG: Yes.

20 VICE CHAIR ROBINSON: There was some
21 consistency in the 'Iao electricity costs.
22 They stay kinda in a range, a fairly stable
23 range and yet the other ones are jumping all
24 over the place, so is that having to do

1 with pumpage or...?

2 DIRECTOR ENG: Our 'Iao is probably, it's
3 production is pretty more, pretty much
4 stable. There is a limited amount of
5 production there, on average about a million
6 gallons per day. Not much more, not much
7 less. So, yeah, it would be stable if the
8 electricity costs themselves, or rates are
9 stable.

10 VICE CHAIR ROBINSON: Uh huh. So the
11 reason there's so much variance in the other
12 electricity costs are having to do with...

13 DIRECTOR ENG: Seasonal demands.

14 VICE CHAIR ROBINSON: Seasonal demand, and,
15 and pumpage. Ok.

16 MEMBER EASON: I have a question.

17 DIRECTOR ENG: Sure.

18 MEMBER EASON: Under Maintenance for Hana,
19 it says there were no reports for August and
20 yet under construction there was repairs to
21 the waterline. 'Cause our water has been
22 going off regularly.

23 DIRECTOR ENG: Yeah, you, you, you're out
24 in the Hamoa, Koali area...

1 MEMBER EASON: I'm in the boons. Yeah,
2 Koali.

3 DIRECTOR ENG: Yeah, you might be happy to
4 hear that next, well, end of October we're
5 gonna send out a crew of 5 or 6 guys from
6 Central and house 'em out there. We're
7 gonna tackle that, that waterline.

8 MEMBER EASON: Ok.

9 DIRECTOR ENG: Again, if anyone needs, has
10 any concerns we're not upgrading the size.
11 We just gotta address the regular repair...

12 MEMBER EASON: Ok.

13 DIRECTOR ENG: Leaks that we're facing so.
14 Yeah, we're kinda mobilized on that, so.

15 MEMBER EASON: Ok.

16 DIRECTOR ENG: They'll be out there maybe
17 for 2 months.

18 MEMBER EASON: Really?

19 DIRECTOR ENG: So that's kind of a high
20 priority project for us.

21 MEMBER EASON: That's good.

22 DIRECTOR ENG: So, just to let you know.
23 Thank you.

24 MEMBER LESTER: Since you brought up Hana,

1 how about Molokai? We've got water on the
2 roads all the time. There's been a lot of
3 breakage and crews are always maintaining.

4 DIRECTOR ENG: I'm not aware of any
5 significant but it's gonna be ongoing,
6 there's always gonna be some kind of
7 ongoing.

8 MEMBER LESTER: Sometimes you see them 4
9 times in, you know, quite often.

10 DIRECTOR ENG: Any, any particular area?

11 MEMBER LESTER: Kamiloa area, there's a lot
12 down by Kawela, along the highway. I see
13 it. It's on the main highway.

14 DIRECTOR ENG: Ok, I can check with Thomas
15 Arce over there.

16 MEMBER LESTER: I keep thinking there's an
17 update...

18 CHAIR HOWDEN: Any other personal requests
19 for the director?

20 DIRECTOR ENG: It's around Kawela area.
21 And that's on the main highway?

22 MEMBER LESTER: On the main highway.

23 DIRECTOR ENG: Ok.

24 MEMBER LESTER: I think Kamiloa it hasn't

1 leaked for awhile but I don't if you guys
2 updated it.

3 DIRECTOR ENG: I will speak to Thomas.
4 He's the man up there.

5 MEMBER LESTER: Who, Arce?

6 DIRECTOR ENG: Yeah. He's great.

7 MEMBER BOTEILHO: I had a question from,
8 from the Kula Community Association. There
9 was money allotted in the legislature, 11.5
10 million, and I think it was hinged on the
11 County's 3.5 million, so they were wondering
12 what's the County's status. 'Cause the
13 money's being held like according to
14 Yamasaki, Yama, Yamashita, I think.

15 DIRECTOR ENG: 11.5 million?

16 MEMBER BOTEILHO: He had gotten 11.5.

17 MEMBER YAMAMURA: Is that the ag up, upper
18 line?

19 DIRECTOR ENG: Well, the legislature is,
20 has been funding a couple million at the
21 most for that. That's why they're doing
22 that upper, Upcountry Dual Line kinda on a
23 piecemeal basis year to year. I don't know
24 what that 11.5 represents.

1 MEMBER BOTEILHO: I think he stated it was
2 for reservoir design.

3 DIRECTOR ENG: Well, he did appropriate
4 something a couple fiscal years ago as their
5 share of, of that...

6 MEMBER BOTEILHO: So, 'cause he was
7 concerned 'cause the money..

8 DIRECTOR ENG: Reservoir.

9 MEMBER BOTEILHO: May just end up going
10 back into the general fund.

11 DIRECTOR ENG: Yeah, it really hinged on
12 really getting a significant amount of money
13 from the..

14 MEMBER BOTEILHO: From the county?

15 DIRECTOR ENG: The Feds. Really from the
16 Feds.

17 MEMBER BOTEILHO: From the Feds, yeah.

18 DIRECTOR ENG: Yeah, and I know the mayor's
19 office has been working on that. I think
20 when she visited Washington this past
21 January her focus was more on getting
22 funding for the Waikamoi Flume replacement.
23 'Cause that would be more in the order of
24 maybe 10 million, so that coulda been the

1 change in direction. I'd written up some
2 justification requests for her to pass out
3 when she got there. I don't know about the
4 11.5 million in total. Was that on a, like
5 a pamphlet or something or?

6 MEMBER BOTEILHO: It was just an email
7 between our association president...

8 DIRECTOR ENG: Ok.

9 MEMBER BOTEILHO: And Yamashita.

10 DIRECTOR ENG: And it was...

11 MEMBER BOTEILHO: Asking about what
12 happened with the County's portion of 3.5 so
13 that money would be released to the County,
14 the 11.5 that's from legislature.

15 DIRECTOR ENG: I think, ok, I think it
16 would really hinged on getting federal
17 portion so.

18 MEMBER BOTEILHO: He was just afraid that
19 the money was gonna be sent back to the
20 general fund come the next cycle, yeah.

21 DIRECTOR ENG: It could if we don't get the
22 Fed, Fed contributions then it would lapse
23 and it could go back to the state general
24 fund.

1 CHAIR HOWDEN: Ok, anything else? Ok, we
2 pau.

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5 (The meeting adjourned at 10:20 a.m.)

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Prepared and submitted by:

Gaye Hayashida
Commission Support Clerk

Approved on: _____