

BOARD OF WATER SUPPLY
COUNTY OF MAUI, STATE OF HAWAII

TRANSCRIPT OF PROCEEDINGS
REGULAR MEETING

Held at the Department of Liquor Control Conference Room, 2145 Kaohu Street, Room 105, Wailuku, Maui, Hawaii, commencing at 9:06 a.m., on Thursday, January 27, 2011.

Reported by: Tonya McDade
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1 BOARD MEMBERS PRESENT:

2 Michael Howden, Chair

3 Phyllis Robinson, Vice-Chair

4 Kevin Boteilho, Member

5 Patricia Eason, Member

6 Donald Gerbig, Member

7 John Hoxie, Jr., Member

8 Kuilauokalani F. Lester, Member

9 Kelli Myers, Member

10 STAFF PRESENT:

11 Dave Taylor, Acting Director, Department of Water Supply

12 Paul Meyer, Acting Deputy Director, Department of Water
13 Supply

14 Edward Kushi, Jr., First Deputy Corporation Counsel

15 Gaye Hayashida, Board Secretary

16 Agnes Nolan, Secretary

17 OTHERS PRESENT:

18 Jane Lovell, Deputy Corporation Counsel

19 Susan Halevi, Attorney at Law

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1 (Thursday, January 27, 2011, 9:06 a.m.)

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3 CHAIR HOWDEN: ...(gavel)... Call the meeting
4 to order. Phyllis Robinson is actually here, but she'll
5 be back in a moment; Don Gerbig; John Hoxie; Patricia
6 Eason; Kelli Myers; and Kui will be a little late, as
7 usual, because of the airplanes.

8 MEMBER EASON: The canoe pickup was late.

9 CHAIR HOWDEN: What?

10 MEMBER EASON: The canoe pickup was late.

11 CHAIR HOWDEN: The canoe, yeah. So we have
12 our new Director David Taylor and our Deputy Director
13 Paul Meyer. And Dave's secretary, whose name I --

14 DIRECTOR TAYLOR: Agnes Nolan.

15 CHAIR HOWDEN: Agnes Nolan. Jane Lovell of
16 Corporation Counsel, Susan Halevi representing Molokai
17 Vets. And our counselor, Ed Kushi, proud proprietor of
18 a hole in one, might I add. This is not any attorney
19 here. This is --

20 MR. KUSHI: I did it on Sunday.

21 CHAIR HOWDEN: Sunday.

22 MEMBER HOXIE: Go to church, huh.

23 MEMBER EASON: That's his church.

24 CHAIR HOWDEN: So Dave and Paul were both
25 gonna introduce themselves, but Phyllis is still out.

1 So maybe we can pause a moment there.

2 MS. HAYASHIDA: Do you want to do the minutes?

3 CHAIR HOWDEN: Yeah, let's do the minutes.

4 Are there any corrections or additions to the minutes of
5 December 15th, 2010?

6 (Silence.)

7 CHAIR HOWDEN: Okay. Might we have a motion
8 to approve those?

9 MEMBER GERBIG: So moved.

10 MEMBER HOXIE: I second that.

11 CHAIR HOWDEN: Thank you. Okay. Those in
12 favor?

13 (A chorus of ayes.)

14 CHAIR HOWDEN: Okay. Our minutes of December
15 23rd, 2010, any corrections or additions to that?

16 (Silence.)

17 CHAIR HOWDEN: A motion to approve?

18 MEMBER HOXIE: I move that we approve the
19 minutes.

20 MEMBER MYERS: Second.

21 CHAIR HOWDEN: Those in favor?

22 (A chorus of ayes.)

23 CHAIR HOWDEN: Okay. So before we take
24 testimony from the public, I would like to ask our new
25 Director and Deputy Director to introduce themselves to

1 the Board and to the public. Dave.

2 DIRECTOR TAYLOR: Thanks, Chair.

3 Good morning. My name's Dave, David Taylor.
4 Call me Dave. I'm the new Acting Director. I'm the
5 Acting Director until Council sees fit to approve my
6 nomination or -- or not. So that has yet to be
7 scheduled. So I think my official title is still Acting
8 Director for the time being.

9 I've been with the County for about 19 years.
10 I've been an engineer, infrastructure engineer. And I
11 was -- the last five years, I was the Wastewater
12 Division Chief, which is the utility manager for the
13 County's wastewater system, which is similar to the
14 Water Department. It's about 60-million-dollar-a-year
15 operation with CIP and pipes and engineers, et cetera,
16 et cetera. So I'm not new to the County, though I am
17 new to potable water.

18 In Wastewater, I was also in charge of the
19 recycled wastewater system which was its own independent
20 water distribution systems, with customers and billings
21 and things like that. So I'm not new to the County, I'm
22 not really new to the issues; I'm just new to this
23 department.

24 Just in general, so you have an idea what to
25 expect from myself and the Deputy, Paul Meyer, who will

1 be speaking in a second. One of the first things I
2 wanted to do when I came in is lay out some long-term
3 vision and lay out some clear roles for the Director and
4 Deputy.

5 One thing I've noticed in my time at the
6 County is, a lot of times, the departments don't have
7 clarity of roles for director and deputy. Sometimes the
8 deputies end up acting more as assistants to the
9 Director rather than deputies. And a lot of times
10 that's a waste of talent, in my opinion.

11 And Mr. Meyer here is far too experienced and
12 too qualified to be my assistant. You know, he's
13 qualified, clearly qualified to be Director, and he
14 needs a role that is his, that he can take that as his
15 own.

16 So what we did -- and this is gonna affect you
17 directly, because it's gonna affect when you see myself
18 here, when you see the Deputy here. My role is gonna
19 focus on utility management, which is going to be
20 operations, capital improvement and CIP planning, water
21 use development plans, any kind of large long -- overall
22 strategic planning for the Department's actions as a
23 utility. The Deputy, Mr. Meyer, is gonna focus on what
24 I like to call just customer service, which is the
25 volume of requests we get, whether it's billing issues,

1 permit issues, individual problems that people have that
2 have to be resolved either through Engineering or Fiscal
3 or even Operations.

4 And a lot of the appeals you get, obviously,
5 which is probably a lot of the work you do, are those.
6 They're not overall utility operation issues; they're
7 individual customers who have issues. So for those
8 issues, you're probably going to see the Deputy and
9 probably the engineering chief more than you'll see me.

10 You'll see me here for things like Water Use
11 Development Plan, CIP issues, the overall utility
12 management issues.

13 And I just wanted to explain that. So you'll
14 see that if there's appeal after appeal, and you're
15 saying, "Hey, where's the Director been," well,
16 that's -- the Deputy is going to have full authority to
17 deal with those. And I think that will be a clear
18 definition of workload. So that we'll back each other
19 up, obviously, but there will be clarity to the staff,
20 to the public, to the board, about who is doing what, so
21 that we're each pulling equal load and not -- you know,
22 getting the most out of having two people in these jobs.

23 So that being said, you know, my priorities
24 are capital improvement -- kind of bringing operations,
25 capital improvement, strategic planning together to have

1 a clear, concise plan for the future so that, as we
2 attack these issues such as Upcountry water, these huge
3 issues we've talked about, that we are a -- we have a
4 long-term vision where the operational groups, the
5 engineering and planning groups are all on the same
6 page, we're all working towards these common goals. So
7 that's gonna be my primary focus.

8 So with that, I also want to introduce Agnes
9 Nolan, our secretary, who has -- also has pretty
10 extensive experience and has also been with the County
11 from the Planning Department. So I doubt she'll say any
12 words, but just in case you come by, you'll see Agnes'
13 smiling face in front of the office.

14 Thank you.

15 MR. MEYER: Thank you. Any questions for
16 Dave?

17 DIRECTOR TAYLOR: That's his question.

18 CHAIR HOWDEN: Go ahead, Don.

19 MEMBER GERBIG: Appeals, will people write --
20 they'll write the letter to you or to the Deputy when
21 they're going to appeal.

22 DIRECTOR TAYLOR: People are probably still
23 going to send everything to the Director.

24 MEMBER GERBIG: To the Director, okay.

25 DIRECTOR TAYLOR: Our internal methodology is

1 that kind of stuff is being sent directly to the Deputy.
2 I'm not seeing it first. And Deputy's keeping me
3 apprised of what's going on, but he's definitely going
4 to be the point man for those things. And I'm not gonna
5 be -- they're automatically assigned to him. It's not
6 that I'm gonna read them and then assign them to him.

7 So that's -- and whether or not he signs for
8 me or I sign and he initials it, we're still working out
9 those details. But he is really gonna be the expert in
10 that. And you'll probably, again, see him here a lot
11 more for those things where I'll, basically, be his
12 backup for that.

13 But, again, the roles of Director and Deputy,
14 we have to back each other up. There will, of course,
15 be a 20 percent overlap, so that whoever isn't around,
16 whatever the issue is, we'll keep in good enough contact
17 that we can back each other up, whether it's an
18 operational issue or an appeal or anything else. But,
19 in general, you know, you'll probably see Mr. Meyer here
20 for things like appeals.

21 MEMBER GERBIG: Okay.

22 CHAIR HOWDEN: Paul.

23 DEPUTY DIRECTOR MEYER: Thank you, Mr. Chair.

24 I think Dave did a good job of outlining sort
25 of how we're gonna divide up the work. In terms of

1 myself as an individual, it's probably easier to list
2 the things I'm not qualified to do. I'm not an
3 engineer, I'm not an attorney, and never worked for the
4 government before. So those are three pretty big
5 deficiencies in terms of the job.

6 I do have some relevant experience. I was the
7 -- for about the last four years, after I retired from
8 Maui Land and Pineapple, I've been doing various forms
9 of financial consulting; put together Haliimaile
10 Pineapple Company, negotiated a wind farm deal, worked
11 on a couple of technology ventures on the mainland as a
12 financial consultant. Prior to that, for about 26
13 years, I was the Chief Financial Officer at Maui Land
14 and Pineapple Company. In addition to the -- sort of
15 the financial administration role, I was responsible for
16 running the shopping centers and commercial properties,
17 Napili Plaza, Queen Kaahumanu Center and -- and those
18 properties. I was responsible for overseeing our waste
19 and water utilities, which were PUC-regulated companies,
20 at Kapalua. And, also, the ditch systems and water
21 systems.

22 And, for example, Paul Seitz used to -- used
23 to work for me. And -- and had a lot of interface with
24 the Alexander & Baldwin folks who ran EMI and HC&S,
25 Pioneer Mill folks, and some of the other people that we

1 were sort of joined at the hip with in terms of water
2 systems.

3 It's -- nonetheless, I -- and I also handled
4 most of the company's legal affairs, from shareholder
5 relations, investor relations to -- to litigation and
6 claims and lawsuits and that sort of thing. Not my
7 favorite thing to hang around with lawyers, with excuses
8 to our counsel, but -- but I did end up marrying one, so
9 maybe that's --

10 MEMBER GERBIG: Close enough.

11 DEPUTY DIRECTOR MEYER: But -- so maybe that's
12 relevant experience as well. But I look forward to it.
13 Again, it's a -- it's a -- I think adventure is the
14 right word for me, working with the government. And I
15 look forward to it. I have always tried to maintain an
16 involvement with some nonprofits and give back. And
17 this is -- I'll do my best.

18 Thank you.

19 CHAIR HOWDEN: Okay. Thank you. Any
20 questions? Gaye, is there any testimony from the
21 public?

22 MS. HAYASHIDA: No.

23 CHAIR HOWDEN: Okay. Number VI, Appeals. I
24 would like to notice -- acknowledge that Kevin Boteilho
25 is here and Kui Lester arrived at long last. Good.

1 Good for you. Okay.

2 The first, A, an appeal by Keauhou O
3 Honua`ula, they've withdrawn their appeal. Then we have
4 the appeal by the Strinis. Do you want to go forward
5 with that?

6 MR. KUSHI: Yeah. Mr. Chair, I would suggest
7 you take up, out of order, the Molokai Veterans case.

8 CHAIR HOWDEN: Okay. Great. Susan, do you
9 want to come forward in case we have any questions?

10 MS. HALEVI: Yes. Thank you, Mike.

11 CHAIR HOWDEN: So we have before us a joint
12 stipulation regarding a continuance of the hearing for
13 the Molokai Veterans. And Ms. Halevi represents the law
14 firm representing the Molokai Vets. Is there anything
15 you want to say about the stipulation, Ms. Halevi?

16 MS. HALEVI: Yes. Thank you, Michael.

17 We are requesting this continuance because I'm
18 very happy to say that the mayor and his
19 representatives, as I understand from my clients, have
20 been talking with them about a possible resolution to
21 allow --

22 CHAIR HOWDEN: Ms. Halevi, you got to speak
23 up.

24 MS. HALEVI: Okay.

25 CHAIR HOWDEN: Jane, did you want to come

1 forward? Are you representing the County on this?

2 MS. LOVELL: I am, but --

3 CHAIR HOWDEN: You're welcome to come have a
4 seat and then you can hear better.

5 MS. LOVELL: There is a microphone, maybe.

6 MS. HALEVI: Sure. Do you want me to start
7 over?

8 CHAIR HOWDEN: If you would, that would be
9 great.

10 MS. HALEVI: We requested this continuance
11 because, as I understand from Larry Helm, who is the
12 commander of the Molokai Veterans Caring for Veterans,
13 they're trying to -- been trying for almost five years
14 to build their much needed Veterans Center on Molokai.
15 And they got all the permits that they needed except for
16 the sign-off on fire flow from the Director of Water
17 Supply, as you may have -- you may already have read
18 about this in the paper. The Fire Department said there
19 was fire flow, water supply said there wasn't. And so
20 they appealed that decision to this board. But I
21 understand from Larry Helm that they are in active
22 negotiations with representatives from the Mayor's
23 office, trying to find a way to resolve the permitting
24 issue. So we've requested this continuance.

25 At the same time, if those negotiations don't

1 succeed, we very much want the appeal to be heard at the
2 earliest possible time. So I think we requested a
3 continuance until April, if that's possible. And in the
4 letter, there's a joint stipulation which Jane and I
5 have signed requesting that continuance. There's a
6 blank there to fill in a new hearing date.

7 And in my letter to the Board previously,
8 before we signed the joint stipulation requesting a
9 continuance, I also did note two other issues that I'm
10 not sure what the process would be for addressing. One
11 is the question of whether this Board has jurisdiction
12 to hear Constitutional issues that arose in the course
13 of the -- what happened, the events surrounding the
14 dispute about the permit.

15 We have filed -- on behalf of Molokai Veterans
16 and many of the individual members, we filed an action
17 in Federal District Court regarding those Constitutional
18 claims. And we believe that's the place for those
19 claims to be heard. But there's been some confusion in
20 past cases as to whether this Board has jurisdiction to
21 hear Constitutional cases. And we have a case on appeal
22 to the Ninth Circuit where that issue has come up. And
23 so now we have another case at hand. And we are -- we
24 do not believe you have jurisdiction. We don't believe
25 you can remedy Constitutional violations. We don't

1 believe you've been -- your jurisdiction as Director,
2 the decisions of the Director of Water Supply, I
3 believe, we don't believe you have jurisdiction to hear
4 Constitutional issues.

5 So we're confused about how that happens and
6 what to do in this particular case if it goes forward.
7 We're considering filing a declaratory judgment in State
8 court to try to clear it up, but I'm also asking the
9 Board how -- how do you resolve that issue of your own
10 jurisdiction.

11 And, also, in my letter requesting a
12 continuance, I raised another issue that's come up about
13 the joint roles of Corporation Counsel both as
14 representing the Director of Water Supply and as
15 representing the Board and -- and whether that creates
16 an impossible conflict of interest.

17 So, again, we have these two issues that are
18 around this case. And we're requesting a continuance in
19 the hopes that the permitting issue will be settled.
20 Thank you.

21 CHAIR HOWDEN: Jane, any comments?

22 MS. LOVELL: Well, I think what's on the
23 agenda today is merely a request by the appellants for a
24 continuance. Because some of these other issues were
25 not agendized, I don't think it would be appropriate at

1 this time --

2 CHAIR HOWDEN: Of course, yeah.

3 MS. LOVELL: -- to argue those points. So I
4 will merely state that from the point of view of the
5 Director, whom I represent in this appeal, we do not
6 object to the appellant's request for a brief
7 continuance.

8 CHAIR HOWDEN: Ed.

9 MR. KUSHI: The parties have agreed, so --

10 CHAIR HOWDEN: Okay.

11 MR. KUSHI: I would suggest the Board just
12 confirm that.

13 CHAIR HOWDEN: Okay. So they're asking for a
14 continuance.

15 MEMBER HOXIE: I move to approve the
16 agreement.

17 CHAIR HOWDEN: Second?

18 MEMBER GERBIG: I'll second it.

19 CHAIR HOWDEN: Okay. Those in favor?

20 (A chorus of ayes.)

21 CHAIR HOWDEN: Okay. You're on for April.

22 MS. HALEVI: Great. Thank you. There's a
23 blank on that stipulation.

24 CHAIR HOWDEN: Gaye.

25 MS. HAYASHIDA: I guess she's asking for a

1 date, a specific date to hear the case.

2 CHAIR HOWDEN: For our April meeting.

3 VICE-CHAIR ROBINSON: April meeting.

4 MS. HAYASHIDA: So you want to schedule it for
5 April 28?

6 CHAIR HOWDEN: Yeah. She's asked for a
7 continuance until our April meeting, so --

8 MS. HAYASHIDA: Is that okay with counsel?

9 MS. LOVELL: Yes.

10 MS. HAYASHIDA: Okay. Then I'll have you sign
11 this and then I'll make a copy.

12 CHAIR HOWDEN: Okay. Great.

13 MS. LOVELL: Will there be another pretrial
14 conference or --

15 MS. HALEVI: I think the way we drafted the
16 stipulation, it's got a provision in there that slides
17 those dates automatically --

18 MS. LOVELL: Oh, okay.

19 MS. HALEVI: -- relative to the new scheduled
20 date. So I think it's all taken care of.

21 MS. LOVELL: Okay.

22 CHAIR HOWDEN: Okay.

23 MS. LOVELL: Gaye, I have copies already.

24 MS. HAYASHIDA: I'll get you a signed copy.

25 MS. LOVELL: Okay. Thank you. All right.

1 Thank you very much very much.

2 MS. HALEVI: Thank you.

3 MS. LOVELL: Nice to see you all.

4 CHAIR HOWDEN: Do we need to move into
5 Executive Session? Okay. For the purposes of
6 discussion of the Strini appeal, we need to move into
7 Executive Session. Do we have a motion to do so?

8 VICE-CHAIR ROBINSON: I move to go into
9 Executive Session.

10 MEMBER BOTEILHO: Second.

11 CHAIR HOWDEN: Okay, Kevin seconds. Okay,
12 we're all in favor.

13 (Recess to Executive Session, 9:26 a.m. to
14 9:36 a.m.)

15 MEMBER HOXIE: Ed, just as a matter of, you
16 know, what happened -- what happens next with this, do
17 you give it to the attorney? Or --

18 MR. KUSHI: Right. She mails it out certified
19 mail and then both parties, they have a chance to appeal
20 whatever.

21 MEMBER HOXIE: Yeah. Yeah.

22 VICE-CHAIR ROBINSON: But the Strinis already
23 know the decision?

24 MR. KUSHI: I don't know.

25 VICE-CHAIR ROBINSON: Do the Strinis already

1 know the decision?

2 MS. HAYASHIDA: Yes, because it was announced
3 in the minutes and they do have access to it.

4 VICE-CHAIR ROBINSON: Okay.

5 MS. HAYASHIDA: But this would just be a
6 formal confirmation.

7 MEMBER EASON: Gaye, I wrote on it.

8 MS. HAYASHIDA: It will be destroyed.

9 CHAIR HOWDEN: So I'm going to read the
10 Conclusions of Law --

11 MR. KUSHI: Wait, wait.

12 MS. HAYASHIDA: Let me get the people back.

13 CHAIR HOWDEN: Appeal Number 09-05, an Appeal
14 by Rick Strini and Debra Strini, Conclusions of Law.

15 Based on the foregoing Findings of Fact, the
16 Board hereby enter the following Conclusions of Law:

17 One: If it should later be determined that
18 any of these Conclusions of Law should be properly
19 deemed Findings of Fact, the Board so finds as to those
20 facts;

21 Two: That, in accordance with Chapter 14.11,
22 Maui County Code, the Board has jurisdiction over the
23 subject matter and the parties to this appeal;

24 Three: That in accordance with Section
25 14.11.010, Maui County Code, appellants timely appealed

1 -- filed a notice of appeal of the Director's decision;

2 Four: Pursuant to Section 14.11.040, Maui
3 County Code, the standard of appeal for this matter is,
4 and we quote, the Board shall review the Director's
5 decision or order and, by a majority vote of its entire
6 voting membership, may affirm the decision or order, or
7 may reverse or modify the decision or order, if the
8 Board finds that the substantial rights of the appellant
9 may have been prejudiced because the decision or order
10 is: A, based on a clearly erroneous finding of material
11 fact, improper procedure or erroneous application of the
12 law; B, arbitrary or capricious in its application; or,
13 C, a clearly unwarranted abuse of discretion;

14 Five: Appellants proposed three-lot
15 subdivision will be adequately served by a private water
16 system to service the domestic and irrigation
17 requirements for two of the lots, Lots 5B and 5C, and
18 will serve the fire protection requirements for all
19 three lots. Lot 5A's domestic and irrigation needs can
20 be adequately served by appellants' existing public
21 five-eighths-inch water meter, which water meter is
22 remotely located on Hana Highway;

23 Six: The Department's general subdivision
24 requirement to have subdividers replace, relocate and
25 install existing remote meters to the subdivision's

1 property boundary in this case is not needed or
2 warranted;

3 Seven: The Board concludes that the
4 appellee's denial of appellants' request for a waiver of
5 the Department's subdivision requirements in this case
6 was arbitrarily based on the facts presented;

7 Eight: In reaching its conclusions, the Board
8 does not rule or decide on the applicability of Section
9 2-12 of the Department of Water Supply's rules and
10 regulations or the subsequently codified Chapter 14.05,
11 Maui County Code;

12 Nine: Any proposed Conclusions of Law
13 submitted by the appellants or the appellee, not already
14 ruled upon by the Board by adoption herein, are rejected
15 by clearly contrary Conclusions of Law herein or are
16 thereby denied and rejected.

17 Decision and order: Based upon the Findings
18 of Fact and Conclusions of Law, the Board hereby grants
19 the appeal of appellants and reverses the Director's
20 decision not to grant appellants' request for a waiver
21 of the Department's subdivision requirements.

22 It is therefore ordered:

23 One: That the appellants and the Department
24 shall enter into the -- into the Department's standard
25 agreement entitled Agreement for a Private Water System

1 Within the Service Area of the Public Water System. The
2 terms and conditions of which shall be consistent with
3 this decision;

4 Two: That thereafter the Department shall
5 process appellants' subdivision proposal to the
6 Department of Public Works and/or other relevant
7 agencies, which processing shall be consistent with this
8 decision.

9 The Department or the appellants may appeal
10 this decision and order in accordance with Section
11 16-102-70 of the Rules of Practice and Procedure for the
12 Maui County Board of Water Supply and Section 91-14,
13 Hawaii Revised Statutes. Dated, Wailuku, Maui, Hawaii,
14 today. And I'll sign it. This one?

15 We're doing okay? Just keep going? No one
16 needs a break? Ed, no break? Okay.

17 Unfinished Business, none.

18 Other Business, A, discussion regarding the
19 Board's list of pending appeals. I think we have a
20 schedule in our papers here. Gaye, anything you want to
21 say about that?

22 MS. HAYASHIDA: No. If the Board has any
23 questions, that's all the appeals that we have pending.
24 We did meet with Mr. Geiger yesterday regarding his
25 client Noel Johnson Hui, John Pollock, they have set a

1 hearing date for July. They wanna push it all the way
2 out to July, so --

3 CHAIR HOWDEN: Okay.

4 MS. HAYASHIDA: That's it. Everything -- the
5 only one I have not scheduled for a prehearing
6 conference is Mr. Fleck, but I was planning to do it
7 sometime this month or maybe next month with the
8 attorneys. I think Mr. Fleck is not being represented
9 by attorney at this time, so I think it should be really
10 fast. So maybe May, if we could schedule them for May.
11 And then that's it. No more appeals.

12 MEMBER HOXIE: Okay.

13 MS. HAYASHIDA: Keep your fingers crossed.

14 CHAIR HOWDEN: Thank you. Good job. Any
15 questions from any Board Members? Phyllis.

16 VICE-CHAIR ROBINSON: Just a question about
17 our -- our procedures in terms of appeals because we've
18 gotten testimony from the public about how quickly we
19 moved through these things. The decision to move the
20 Molokai Veterans appeal to April, do we -- have we any
21 established rules about whether -- if a person decides
22 to postpone, do they go to the bottom of the list, or,
23 you know, is it up to our discretion as a board to
24 decide whether or not someone who postpones gets put in?

25 MS. HAYASHIDA: In the past, I think if they

1 asked for another postponement, then I think at that
2 time Michael asked that they be put on the bottom of the
3 list.

4 VICE-CHAIR ROBINSON: Right.

5 MS. HAYASHIDA: Because we cannot just keep
6 giving them postponement after postponement after
7 postponement. So in this case this is their first
8 request for postponement or deferment. So -- and,
9 basically, you know, because both sides are being
10 handled by attorneys, I kind of leave -- I kind of leave
11 it up to them when they can hear the case, or when
12 they're able, really. Because I think at this time the
13 Board is pretty flexible as to hearing appeals or what
14 days they can hear appeals.

15 VICE-CHAIR ROBINSON: Right.

16 ms.hay: It was really the attorneys that are
17 -- that have to decide whether they're going to be
18 available that day or not.

19 VICE-CHAIR ROBINSON: Right. Right. I just
20 wanna be sure that we're being fair, and when questioned
21 by the public, you know, if -- if -- you know, right now
22 our appeals slate is looking much better than usual. So
23 --

24 MS. HAYASHIDA: Yeah. I think we finally
25 found the workable procedure that seems to be kind of

1 pushing the appeals along. And I think we're in this
2 momentum, this rhythm, where I think, hopefully, if
3 there are no further appeals, we'll be done by --
4 hopefully, by the end of the year.

5 VICE-CHAIR ROBINSON: Great. Thanks, Gaye.
6 Appreciate it.

7 CHAIR HOWDEN: Any other comments or
8 questions?

9 (Silence.)

10 CHAIR HOWDEN: Okay. Thanks, Gaye.

11 Discussion Regarding Draft Letter to Director
12 of Department of Water Supply from Board of Water Supply
13 Regarding Upcountry Water Meter List Backlog, drafted by
14 John Hoxie. Part of our -- John, did you want to
15 comment on that?

16 MEMBER HOXIE: Yeah. I would like to just
17 bring this to your --

18 MEMBER GERBIG: John, could you wait? Did the
19 Director get a copy? Do you have a copy of the --

20 MS. HAYASHIDA: He should have in his --

21 DIRECTOR TAYLOR: I didn't see it.

22 MS. HAYASHIDA: You should have it. Page 9.

23 MEMBER GERBIG: Page 9.

24 DIRECTOR TAYLOR: Oh, there it is. Thank you.

25 MEMBER HOXIE: I've -- we all have been very

1 concerned about the Upcountry backlog water meter
2 backlog list. And after our capital review -- after our
3 budget review last October, I kind of went back and put
4 together what I thought were the significant items in
5 our capital list that I just wanted to bring to the
6 attention of Dave and -- and Paul, just so that we can
7 get moving on Upcountry water. And these are the items
8 that I thought were in the capital list. And I just
9 wanted to really send this letter just to bring it to
10 their attention. And you may have some other input
11 items in there.

12 MEMBER GERBIG: I just -- yeah. Just for the
13 Directors, the point that our authority is only -- this
14 is only under our authority based on the fact that we do
15 approve the budget. So that's the only authority we
16 have. So this wasn't approved -- these were approved
17 items in the budget, so this is why John is just
18 bringing it up, that the -- kind of a reminder that
19 Upcountry and the concern that they have. You know,
20 maybe these are some of the priority items maybe you
21 could review. This might help you to look at some of
22 these things particular. That's -- that's, basically,
23 what the letter is for.

24 MEMBER HOXIE: We've -- we've tried to talk
25 about -- and this is something that I'm sure you'll get

1 into is, you know, the Upcountry system has many pieces
2 to it. And -- and the demand for new meters, you know,
3 depends on where it is. Some of 'em are high-level
4 water, some is Kamaole water and so on. So there's a
5 lot of work that needs to be done on this. But we gotta
6 start moving forward. And, hopefully, this letter will
7 be of some help.

8 DIRECTOR TAYLOR: It's appropriate for me to
9 make comments?

10 CHAIR HOWDEN: Of course.

11 DIRECTOR TAYLOR: Thank you. And, obviously,
12 Upcountry water is a priority to everyone, to the Mayor,
13 to us. The Mayor was very explicit to me when he
14 offered me the job that this was a enormous priority of
15 his. So, of course, all of these issues are part of
16 that.

17 Let me take a little step back and let me
18 explain one of the projects that Engineering Division is
19 now working on, something they were assigned literally
20 our second day. And we've been -- we've been working
21 with them to try to focus this project and get some
22 answers.

23 Let me back up a little bit before I talk
24 about the exact scope of the work they're doing. I
25 think we all know that there's really a couple phases of

1 water for Upcountry.

2 There's source and there's distribution and
3 storage, pipes, tanks, et cetera. The way the rules are
4 written is that if the County develops source, a letter
5 gets sent to the first person on the list, and the
6 second, et cetera, saying, we've got source for you, but
7 you are responsible for your distribution system
8 improvements. And as most know, those can be very, very
9 expensive. Considering five-eighths-inch meter is about
10 \$6,000, some people may just need a meter and have
11 adequate source distribution and storage, others may
12 need extensive improvements, especially for fire
13 control, 12-inch lines hundreds or thousands of feet.
14 And so \$6,000 for a five-eighths-inch meter may just be
15 a fraction of the overall cost each of these people need
16 to spend to actually get water.

17 So one of my big concerns, our big concerns,
18 is that we've got, you know, 1,500 or so people on this
19 list, and I don't think that anyone really has a good
20 feeling for how many of those people just need source,
21 how many need extensive improvements, you know, 50 or
22 \$100,000, and how many need small improvements, you
23 know, 10 or \$20,000.

24 I think you could imagine, just say we could
25 magically develop source tomorrow, all the source in the

1 world, we sent out 1,500 letters. I think we want to
2 know, before we develop that source, how many of those
3 people are likely to be able to do their improvements.
4 Is the problem really just source and \$6,000 for a meter
5 or is the average that -- on average, everybody needs
6 \$56,000 or \$50,000 for piping improvements and \$6,000
7 for a meter. As that number gets higher and higher,
8 clearly less and less people will be able to actually
9 get water. And I think we need to get a handle on that
10 right away.

11 So one of our top priorities for the
12 engineering group is they were assigned the following
13 project: To take the Upcountry Water Meter List, and
14 all the TMKs, put them on a GIS map, and we'll see where
15 they are, overlay the piping system maps on that, and
16 then go through one at a time -- this is gonna take a
17 long time -- and just get a ballpark order of magnitude
18 estimate, number one, do they have big enough lines or
19 do they need major improvements, do they need 100 feet
20 of 12-inch line, do they need 1,000 feet of 12-inch
21 line, a rough cost for that, rough number, something
22 like either 10,000 or 25,000 or 50,000. There's some
23 really rough numbers. And go through all of them, add
24 it all up and see the total cost divided by the total
25 number, what's the average.

1 We know that meters cost about \$6,000. So is
2 the average cost for the offsite improvements equal to
3 \$6,000? Is it 10 times that? Is it half that? How big
4 is this problem? Because I think what we don't want to
5 do as a Department and as a community is spend a lot of
6 money on source, send all these letters, and have 95
7 percent of the people say "we can't do our share of the
8 improvements," and now we've spent all this money on
9 source, we're not recovering any of it with meter fees.
10 We need to understand the magnitude of this problem.
11 That's key. That's already been assigned.

12 And I don't know where this is gonna end, you
13 know, but I went through all the Upcountry -- I went
14 through all the fire control maps the other day. And it
15 seems that Upcountry, as you guys all know, has very
16 small lines. And just with kind of an engineering
17 instinct, looking through it, I think there's probably
18 gonna be -- a majority of people are gonna need
19 extensive pipeline improvements. And I think we need to
20 get the order of magnitude of how big this problem is
21 before we just think that it's just source. So that's
22 what Engineering Division is -- is focused on.

23 And I think before we talk about specific
24 source issues, we have to get a sense of what's it gonna
25 take to get people water. Because I think it could be

1 an even worse problem from a -- from a public relations
2 standpoint, if we say, look, we solved the problem, we
3 sent out 1,000 letters, and 995 people say, "Hey, the
4 Department of Water Supply says I have to do \$100,000 of
5 improvements before they'll give me a meter," that's
6 almost worse than doing nothing.

7 So I'm really concerned that we don't have a
8 good handle on that number. And so, to me, the first
9 priority with Upcountry water is to get a handle on the
10 distribution, storage issues, and how those relate to
11 the list.

12 What if we find out that the first 200 people
13 on the list, they need extensive distribution
14 improvements? But what if everybody in between 500 and
15 700 just need source? You know, maybe the order of the
16 list itself is the problem. We need to identify this
17 and we need to quantify it. And until we do that -- and
18 I don't think it's gonna take a really long time. It's
19 not gonna cost millions of dollars and take years. But
20 we need to get of sense of what exactly is this
21 distribution problem before we just jump into, you know,
22 let's develop source and start sending letters. So
23 that's what we're doing.

24 These projects, you know, obviously, we'll be
25 -- we'll be checking on. The CIP guys are putting

1 together a more -- a more project schedule type of -- of
2 list of where all the projects are. So I'll probably
3 have that by your next meeting. And I'll have a better
4 sense of where these are. But, again, I think the
5 bigger issue is distribution for Upcountry, I think may
6 be a bigger problem than source. And we all need to
7 have some handle about how big that problem is.

8 So that's the direction we're working on.
9 Like I said, you know, we've been working on it
10 literally since day number two. Thank you.

11 MEMBER GERBIG: Thank you.

12 VICE-CHAIR ROBINSON: I just have a question
13 about the -- the logic of finding an average. Will
14 finding an average give you the information you seek in
15 -- I'm just thinking of the individuals on that list.
16 If they're -- from a public relations standpoint, if
17 you're telling them that, on average -- and I know --
18 from the Department's standpoint, I understand the logic
19 of that -- from a public relations standpoint, if that
20 average ends up -- I mean, I just am not sure what
21 that's gonna give the public in terms of reassurance
22 that something is, you know, being actively done about
23 the list.

24 DIRECTOR TAYLOR: If I could -- if I could
25 answer that. Maybe "average" isn't really the right --

1 what I really meant. Maybe it's statistical means. I
2 can't remember what all these different words mean. But
3 if 99 out of 100 people just needs a ten-thousand-dollar
4 improvement and one guy needs a one-million-dollar
5 improvement, the average is gonna be really high.
6 That's not the number we're looking for.

7 VICE-CHAIR ROBINSON: Okay.

8 DIRECTOR TAYLOR: You know, I don't remember
9 exactly the term, but when you graph it in a -- in a
10 bell curve and you cut off the highs and lows, it's the
11 meat of the bell curve. Deputy probably remembers
12 exactly what that's called, but it's --

13 DEPUTY DIRECTOR MEYER: Standard deviation.

14 DIRECTOR TAYLOR: Standard deviation. I don't
15 remember, but there's ways to present it such that, you
16 know, what is it gonna take for the great majority of
17 the people. And "average" isn't quite the right word,
18 but that's really what we're doing. So I agree with you
19 100 percent. It's not average we're looking for. Maybe
20 it's sort of like olympic skating, the low, the high,
21 average the rest. I mean, it's more like something like
22 that, is how we usually do this. Bang for the buck, how
23 do we help the most people for the least expense.
24 There's ways to do that which isn't technically average,
25 but it's using the actual numbers to try to find, you

1 know, how to act. So that's probably a better
2 explanation of it. But it's been 20 years since I
3 really studied the exact mathematical terms of what all
4 those things means.

5 VICE-CHAIR ROBINSON: Of what standard
6 deviation means.

7 CHAIR HOWDEN: The other thing is that our
8 consultant in the draft of the Upcountry Plan suggested
9 that a more adequate figure for getting a water meter
10 would be around \$20,000 in terms of source development
11 and adequate storage. I mean, we can go and we can get,
12 you know, more source, but if we don't have reservoirs
13 in the Upcountry area that are available to the
14 Department, then come dry time, we can't -- we can't
15 really deal with that.

16 DIRECTOR TAYLOR: And that's another issue
17 that -- a different team, the planning team, was
18 assigned on the same day, is -- there's this issue of
19 reliability with water.

20 And let me just quote what the Kula Community
21 Association said in their 2006 Policy Statement. Just
22 one statement they had in there. They said something
23 like the priority of the County should be to make sure
24 that existing users don't have more than a 10 percent
25 reduction in a six-month drought. Okay. I'm not saying

1 that's a good statement or a bad statement, but if you
2 try to put some math to what is reliability, you know,
3 what level of service, under what conditions. All
4 utilities -- Maui Electric has something similar, you
5 know, what level of service under what conditions.
6 Wastewater, the same kind of thing.

7 So we also have the Planning Water Resources
8 group looking at what are the numbers we're using, how
9 are we defining reliability. Are we saying that if one
10 person has a one percent reduction one day a year, is
11 that, all of a sudden, unacceptable? What if everybody
12 has a reduction of 20 percent 10 days a year, is that
13 acceptable? Nailing down exactly what is your
14 reliability goal, when there's so many different
15 variables, is very difficult to do mathematically. But
16 without it, you don't really have a -- you don't have a
17 focus point of what it is -- of what success and what
18 failure is.

19 And as you try to make your reliability higher
20 and higher and higher, from what the Chairman said, you
21 just -- your reservoir just gets bigger and bigger and
22 bigger and it gets bigger exponentially as your
23 reliability goes up, you know, very small. So we also
24 have that group trying to go back and look at the
25 numbers.

1 And, again, speaking very loosely, kind of
2 what they're looking at is, what if we had given away
3 the first 100 meters or the first 200 meters or the
4 first 500 meters on the list over the last 10 years, how
5 many more days of reductions would there have been? How
6 much worse would the reductions have been? Have we been
7 too conservative, not been conservative enough? You
8 know, is our reliability -- are we reaching too high?
9 Or if we give away 200 meters tomorrow, will no one even
10 notice the difference? That group's working on those
11 questions mathematically.

12 That's very difficult to do. A, because, it
13 was just noted, that you've got these people at all
14 different levels. So it almost has to be specific about
15 where are these people. If everybody lived at the same
16 elevation, this would be really easy, it wouldn't
17 matter.

18 So they're looking at that. And it's also
19 really difficult because the last 10 years of
20 precipitation may not accurately represent the next 10
21 years of precipitation. So if the next 10 years are
22 much wetter than the last 10, everything is great. If
23 the next 10 years only have half the precipitation as
24 the last, then even the existing system's gonna become
25 unreliable. So this reliability issue is central to

1 utility management, whether it's water, power, sewer,
2 whatever.

3 And it's very hard to nail down because there
4 is no guidance other than the community's feel for cost
5 versus reliability. So we're trying to -- we have
6 another team trying to get a little better handle on
7 that.

8 I don't know that we'll ever mathematically
9 get it down to fine points, but we are -- we have -- we
10 have them looking at the same thing. And where that,
11 you know, kind of converges with the costs for some of
12 these new source, with the effort that Engineering's
13 doing with how high meter rates want -- are going to be,
14 that will all converge to some sort of solution.
15 Whether that's a great solution or a small solution, I
16 don't know, but we're kind of working on it from all
17 those angles simultaneously. And as they integrate --
18 whatever those constraints cause a solution to be, I
19 mean, that will be the solution.

20 So that's all the things we're doing. I think
21 we're taking a very purposeful, methodo -- I always have
22 trouble with that word.

23 VICE-CHAIR ROBINSON: Methodological.

24 DIRECTOR TAYLOR: Methodological approach,
25 from like the standard engineering utility management of

1 supply versus demand. And so we're doing that very step
2 by step, and we'll see where it goes.

3 I don't have any promises to you what it's
4 gonna say or how long it's gonna take exactly, but we're
5 doing it in-house and we are working towards that.

6 MEMBER HOXIE: I had another question. One of
7 the hangups, it seems like, on a lot of these issues is
8 fire flow. You know, having the fire hydrant in front
9 of somebody's home maybe is not the answer. Are there
10 other alternatives? You know, build your house out of
11 metal or put in sprinklers? Or are there other
12 alternatives to the fire flow solution that are being
13 looked at?

14 DIRECTOR TAYLOR: Not only are there
15 alternatives, but they're actually written very
16 specifically in the rules. When you do your fire flow,
17 it takes in the size of your place, the size of your
18 structure, what it's made out of. You get reductions
19 for things like fire sprinklers and -- and nonflammable
20 roofing materials. That's all part of fire flow
21 calculations.

22 VICE-CHAIR ROBINSON: Is catchment part of
23 that?

24 DIRECTOR TAYLOR: I don't know the rules well
25 enough to comment on that. I do know that -- I do know

1 that if you don't want to be on the County water system,
2 you want to be on your own, there are ways to go about
3 doing that.

4 VICE-CHAIR ROBINSON: Sure.

5 DIRECTOR TAYLOR: Whether or not they're
6 allowed to mix, I don't know the rules well enough to --
7 to really know that.

8 VICE-CHAIR ROBINSON: Right.

9 CHAIR HOWDEN: Well, they can't mix.

10 VICE-CHAIR ROBINSON: Well, they can't mix in
11 terms of the -- the -- you can't have the same piping
12 going -- going through both systems because you get
13 backwash into the County system and it can pollute it.
14 So, yeah, they have to be separate. But I'm just
15 thinking in terms of putting out fire is different than
16 potable water. It has to do with being able to put out
17 a fire with something that is a reasonable catchment on
18 the property. And I -- I just -- I know that you -- you
19 said that you didn't know what the laws are, and it may
20 be just something to -- to look at in terms of the costs
21 that people have for reasonable fire flow standards as
22 if they can show their -- you know, their catchment
23 system and it being effective. I don't know quite how
24 that could work, but --

25 DIRECTOR TAYLOR: But there is no question

1 that a small concrete house with a concrete roof --

2 VICE-CHAIR ROBINSON: Yes.

3 DIRECTOR TAYLOR: -- is going to have much
4 lower --

5 VICE-CHAIR ROBINSON: Yes.

6 DIRECTOR TAYLOR: -- offsite improvements than
7 a large timber house with a wood shingle roof. I mean,
8 there's no question about that. And the rules allow for
9 that --

10 VICE-CHAIR ROBINSON: Yes.

11 DIRECTOR TAYLOR: -- you know, especially when
12 you add fire sprinklers. But there are those minimum
13 numbers that -- that are in there for public safety.

14 VICE-CHAIR ROBINSON: Is there any -- there
15 was some sense that the Department of Water Supply was
16 gonna be taken -- that their involvement with fire flow
17 standards was going to be just put into the Fire
18 Department.

19 MEMBER GERBIG: Separate it.

20 VICE-CHAIR ROBINSON: Is anything further
21 happening with that? Because that came up like last
22 year. Jeff talked about it, but --

23 CHAIR HOWDEN: And the year before and the
24 year before that.

25 DIRECTOR TAYLOR: The codification of the

1 remaining rules is on the agenda for Water Resources
2 Committee next -- next Tuesday. And exactly whether --
3 how far that goes and whether or not that gets included
4 ultimately is up to the Council. I think, at the end of
5 the day, the farthest it would possibly go is for the
6 Department -- is for the Fire Department to decide how
7 much water they need to fight a fire.

8 VICE-CHAIR ROBINSON: Yes.

9 DIRECTOR TAYLOR: And the Department of Water
10 Supply to simply say, "Do you have that much or not."
11 It would never go further than that. The engineers in
12 Department of Water Supply are gonna be the only ones
13 who are capable of analyzing the system to say that, at
14 this point, you know, we can generate this much water
15 flow. Whether or not the authority to say how much flow
16 is needed to fight a fire moves to the Fire Department,
17 that's ultimately going to be up to the Council.

18 VICE-CHAIR ROBINSON: Up to the Council.

19 CHAIR HOWDEN: Well, as John and Phyllis both
20 suggest, you know, it may be really useful for the
21 Department to embrace catchment and to embrace water
22 storage, individual water storage. I mean, Upcountry,
23 you know, if you look at Curtis Cost's paintings and
24 stuff, Upcountry -- one of the signatures of Upcountry,
25 besides the Jacaranda trees, were the small --

1 MEMBER HOXIE: Water tanks.

2 CHAIR HOWDEN: -- water tanks, which are now
3 people's ofuros or hot tubs or whatever. But I think
4 that we should encourage that.

5 And in terms of using catchment, I mean, you
6 already have a one-way valve at your meter which
7 protects the County system. And if you put another
8 one-way valve in your system, or two, or however many
9 the County wants you to put, then it becomes kind of
10 species to be concerned with catchment supply somehow
11 contaminating County supply.

12 DIRECTOR TAYLOR: I think, ultimately, that
13 issue is going to come down to the -- the issue of
14 public safety. And whether or not the community as a
15 whole, through its elected officials, are going to
16 support saying that, as an individual, you will have
17 your own storage tank for fighting a fire and, you know,
18 if you don't keep that up and it's empty, your house is
19 gonna burn down and that's, you know, your own problem,
20 or whether or not you want the County and the Department
21 of Water Supply to say, you know, we're not gonna let
22 you take that risk. I can't answer that. I don't
23 really know the rules. But, ultimately, it comes down
24 to -- to this risk for individuals versus responsibility
25 of -- of the government. And where that goes, you know,

1 obviously, that's another issue for -- for the County
2 Council through their -- through ordinance.

3 CHAIR HOWDEN: Ed, any comments?

4 MR. KUSHI: No.

5 CHAIR HOWDEN: Wisely. Don.

6 MEMBER GERBIG: I'd like to make a motion that
7 we send this letter to the Director just to the fact
8 that we are concerned, and these are -- there are some
9 of the greater concerns Upcountry, and he has it on
10 record. And if he can supply us information on these
11 items in the future, it would be very beneficial from
12 the standpoint of us being partially responsible for the
13 budget. So I'd like to move that this letter be sent to
14 the Director.

15 MEMBER LESTER: Second.

16 CHAIR HOWDEN: Is there a second?

17 MEMBER LESTER: Yeah.

18 MEMBER GERBIG: Kui, thank you.

19 CHAIR HOWDEN: Any discussion?

20 VICE-CHAIR ROBINSON: I just have one other
21 thing I'd like to -- like to say. And it regards this
22 letter. This -- these lists and the concerns of the
23 people Upcountry will come before us as a board when we
24 have to look at the Upcountry Water Use Development
25 Plan. And I just wanna put it on the record that we

1 deeply appreciate your -- both of your guidances around
2 how to respond to these issues along with what are the
3 recommendations by the consultant in the Water Use
4 Development Plan. And -- and that we look at this in a
5 holistic way because there's so many factors. And, you
6 know, we as a board are citizens, we're not experts, and
7 so we're going to be looking for your guidance as we try
8 to figure out how to -- how to word our recommendations
9 to -- to the Upcountry people around the Water Use
10 Development Plan.

11 So, thank you.

12 CHAIR HOWDEN: And I have just a brief comment
13 on the letter. I think that it -- because John authored
14 this, somehow it should be acknowledged that this is
15 written by John Hoxie.

16 VICE-CHAIR ROBINSON: Yes. Thank you, John.

17 CHAIR HOWDEN: That the Board approves it, but
18 I think, you know, I didn't write this, so I would like
19 John --

20 MEMBER GERBIG: The point is these are --
21 these are items that John feels are, you know, concern.
22 He lives Upcountry. And I'm just saying that it's kind
23 of a starting point --

24 CHAIR HOWDEN: Yes.

25 MEMBER GERBIG: -- because these were items

1 that were in the budget. It's kind of a review of the
2 budget, the progress. So, basically, that's -- that's
3 it. I think that, like Phyllis said, what we received
4 back from the Director in response to these items will
5 probably give us a lot of information that we can make
6 better decisions on. It's a starting point.

7 CHAIR HOWDEN: Okay.

8 MEMBER GERBIG: But that's what I'm --

9 CHAIR HOWDEN: Yeah, no. These are issues
10 we've discussed forever on the Board. And I appreciate
11 John's taking the time to write a summary of that.
12 That's all I wanted to acknowledge that.

13 So those in favor?

14 (A chorus of ayes.)

15 CHAIR HOWDEN: Okay. Thank you, John.

16 MEMBER HOXIE: One comment. It sounds like
17 you're making a good start, though, in stepping back and
18 looking at the whole system and the distribution.
19 Because that's the key, it really is.

20 MEMBER GERBIG: I want to commend you, too. I
21 think this is a real good way of doing it, what you're
22 doing, step back and look at all -- both of you, the
23 Deputy Director, too.

24 CHAIR HOWDEN: Yeah, I think you guys are
25 gonna make a great team.

1 MEMBER GERBIG: Good.

2 CHAIR HOWDEN: You know, and that's unusual.

3 MS. HAYASHIDA: Mr. Chair?

4 CHAIR HOWDEN: Yes.

5 MS. HAYASHIDA: So do you want me to kind of
6 put it into a better format and clean it up and then
7 you're going to put your signature on it?

8 CHAIR HOWDEN: I'd be happy to put my
9 signature on it.

10 MS. HAYASHIDA: After I get it all made up in
11 our format, I will email you a copy, and, also, Member
12 Hoxie, a copy for your approval. And then once it's
13 approved, I'll put your name on it.

14 CHAIR HOWDEN: Great.

15 MEMBER HOXIE: I can email you my original
16 one.

17 MS. HAYASHIDA: It's okay. Fine.

18 CHAIR HOWDEN: Board Members' request for
19 agenda items. Kelli.

20 MEMBER MYERS: Next month, I guess, it's
21 probably already going to be on the agenda, but I just
22 wanted an update like maybe on the projects that the
23 Planning Section and the Engineering Section are doing
24 on the Upcountry. Just an update, like -- I mean, maybe
25 like a timeframe. Because now it's too -- too early to

1 know.

2 CHAIR HOWDEN: Yeah. I'm -- I'm, actually, in
3 awe that you're so much on this so early. So --

4 MEMBER MYERS: It's great.

5 CHAIR HOWDEN: And I withdraw my comments on
6 the Lanai Use and Development Plan.

7 DIRECTOR TAYLOR: I read the verbatim minutes
8 which made some comments that I wouldn't even have read
9 that. I read all your comments about saying Dave's not
10 even gonna read this, but not only did I read it, I even
11 read your comments saying I wasn't going to read it.
12 They're all wrong, so -- I did read it.

13 CHAIR HOWDEN: Hey, we all make mistakes. Any
14 other agenda items? Okay. And you're free to contact
15 Gaye and me with more items. Okay.

16 MEMBER GERBIG: I move we adjourn.

17 MS. HAYASHIDA: No, no.

18 MEMBER GERBIG: Not yet?

19 VICE-CHAIR ROBINSON: Reports, Director's
20 Reports. He wants lunch already.

21 CHAIR HOWDEN: It's the long drive from
22 Lahaina.

23 Communications. We have a gratitude letter
24 from Mike Victorino, you know, anyway, that's there.
25 Anything else, Dave, on the Director's report that you

1 might want to add?

2 DIRECTOR TAYLOR: I don't have anything else
3 to add.

4 CHAIR HOWDEN: Okay. And everybody has the
5 Division Reports. Anything we've missed? Well,
6 adjourned. ...(gavel)...

7 (Meeting adjourned at 10:15 a.m.)

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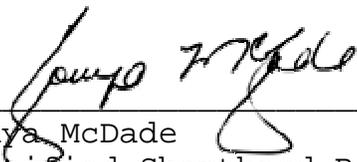
CERTIFICATE

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I, TONYA MCDADE, Certified Court Reporter of the State of Hawaii, #447, Registered Professional Reporter, Certified Realtime Reporter, Certified Broadcast Captioner, do hereby certify that the proceedings contained herein were taken by me in machine shorthand and thereafter was reduced to print by means of computer-aided transcription; and that the foregoing represents, to the best of my ability, a true and accurate transcript of the proceedings had in the foregoing matter.

I further certify that I am not an attorney nor an employee of any of the parties hereto, nor in any way concerned with the cause.

DATED this 14th day of February, 2011.



Tonya McDade
Certified Shorthand Reporter #447
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