

BOARD OF WATER SUPPLY  
COUNTY OF MAUI  
  
REGULAR MEETING  
MINUTES OF MAY 26, 2011

The regular meeting of the Maui County Board of Water Supply was held at the Department of Liquor Control office conference room, 2145 Kaohu Street, Room 105, Wailuku, Maui, on Thursday, May 26, 2011.

Note: The order of the agenda was changed during the meeting. Items appearing in these minutes are listed in the order of the agenda.

CALL TO ORDER

The meeting was called to order by Chairperson Phyllis Robinson at 9:00 a.m.

ATTENDANCE

Members present: Phyllis Robinson, Chairperson  
Kelli Myers, Vice Chair  
Patricia Eason  
Donald Gerbig  
John W. Hoxie, Jr.  
William Kamai  
James Rust

Members excused: Kevin Boteilho  
Ted Yamamura

Staff present: David Taylor, Director  
Mel Meleka, Water Resources and Planning  
Division  
Tui Anderson, Conservation Specialist  
Edward S. Kushi, First Deputy Corporation  
Counsel  
Jane Lovell, Deputy Corporation Counsel  
Gaye Hayashida, Commission Support Clerk

ANNOUNCEMENTS

Chair Robinson announced the appointment of new Board of Water Supply member, James Rust, who was in attendance. It was noted that Member Rust had previously served as a board member from 1992 to 1997.

Member Rust stated that he was glad to be back.

APPROVAL OF MINUTES

Chair Robinson asked if there were any corrections or changes to the minutes of April 28, 2011.

Member Hoxie stated that page 22, line 15 should be corrected to reflect that it was he not Ms. Lovell who made that statement. The correction was made.

Motion: Member Hoxie moved to approve the minutes as amended  
Second: Member Kamai  
Discussion: None  
Vote: Unanimous. Motion passed.

TESTIMONY FROM THE PUBLIC

None.

APPEALS

Appeal No. 10-03, an appeal by Philip Fleck. The appellant has withdrawn his appeal per letter dated April 27, 2011.

Motion: Member Kamai moved to accept the withdrawal of Phillip Fleck.  
Second: Member Hoxie  
Discussion: None  
Vote: Unanimous. Motion passed.

Motion: Member Hoxie moved to not refund the appeal fee of \$300 to the appellant.  
Second: Member Gerbig  
Discussion: Member Hoxie pointed out that the board has been denying it because the cost of this process is more than \$300.

Member Eason agreed.

Director Taylor stated that from the department's standpoint, he hopes that the board would not waive the fee unless there are some very special circumstances because the fees make sure that people are very serious when they appeal.

Member Rust asked if work was done for the fees.

Director Taylor replied that is correct. The board is here along with corporation counsel and department staff. The Director reiterated that we don't make money on these fees at all. There being no further discussion the chair called for a vote.

Vote: Unanimous. Motion passed.

Appeal No. 10-04, an appeal by Molokai Veterans Caring for Veterans. The appellants have withdrawn their appeal per letter dated May 12, 2011.

Motion: Vice Chair Myers moved to accept the withdrawal letter dated May 12, 2011  
Second: Member Gerbig  
Discussion: Member Hoxie asked if the reason for the appeal being moot should be clarified.

Ms. Lovell replied that the parties could have gone forward with the appeal but she approached the appellant's attorney and asked if they could work on a stipulation that would allow the new law to relate to their situation so that they could be spared the trouble and expense of going through this appeal. The appellant certainly had the option of continuing with the appeal and presenting their case to the board. Ms. Lovell stated that she had no personal feelings about it one way or the other; she was trying to help move things along and not take their money and time unnecessarily. So that is why they entered into this agreement that this new law which does not apply retroactively could in this particular case be applied retroactively so that the building permit could be issued which it has, which then makes this appeal moot.

Member Rust wanted to know if it is Ms. Lovell's recommendation that if the board refunds the filing fee they do it under the guise of helping the Molokai Vets because of their service to their country.

Chair Robinson interrupted and stated that the question raised by Member Hoxie is that the last paragraph be clarified and whether or not that should be part of our decision making.

There being no further discussion the chair called for a vote.

Vote: Unanimous. Motion passed.

Motion: Member Gerbig moved to not grant refunding the \$300 filing fee

Second: Vice Chair Myers

Discussion: Member Gerbig reiterated that this is the same thing that Director Taylor mentioned. The County is out a lot more money than the filing fee and also this will set a precedent that anybody can get their money back and that's not the purpose of it.

Member Rust stated that he is very familiar with this case because he is a veteran and the Molokai Veterans approached his organization for help on the day they were going to strike outside the county building. The reason his organization agreed to help them is because the Molokai Veterans were really put through an excessive amount of bureaucracy and now they don't have enough money to build their building.

Chair Robinson explained that these are the specifics of the case and it's fairly complicated as she has read the case. And she would suggest that if the Board refunds the fee they do so for altruistic reasons. The chair asked if there were further discussion.

There being no further discussion the chair called for a vote.

Vote: Motion passed with a vote of 5 ayes, 2 nays.

At this time First Deputy Corporation Counsel Ed Kushi asked if the chair could call for a vote to go into executive session.

Motion: Member Kamai moved to go into executive session

Second: Member Hoxie  
Discussion: None  
Vote: Unanimous. Motion passed.

Before going into executive session Chair Robinson called for a short recess.

UNFINISHED BUSINESS

None.

OTHER BUSINESS

Discussion and Update on the Waikamoi Flume Repair

Director reported that he has no further information to add from the last meeting on this matter. The department could be ready to go out for bid within 12 months from now; at some point between now and 12 months from now.

Discussion regarding the Department of Water Supply's Conservation Methods and It's Future Endeavors for Conservation

There was a general discussion on this matter by the board and Mel Meleka, Acting Division Manager and Tui Anderson, Conservation Specialist of the Water Resources and Planning Division.

The division continues to develop and expand conservation programs which include both supply side and demand side measures. Supply side measures include:

- Leak detection preventive and proactive maintenance and resource protection measures
- Grants for protection and monitoring water resources including watershed grants, USGS Groundwater Modeling and stream monitoring efforts
- Outreach efforts include running ads on the importance of watershed protection and co-sponsoring events at the Maui Nui Botanical Gardens

The demand side measures include:

- Fixture distribution of low-flow shower heads, bathroom aerators, kitchen aerators and self-closing hose nozzles

- Education programs
- Resource protection
- Landscaping staff provide assistance to community organizations through training on appropriate propagation, planting, irrigation and maintenance that promotes conservation
- Promotion of native and non-invasive plants to protect watershed resources

Their most recent effort is the preparation and issuance of a RFP for the development of a conservation plan and implementation program portfolio design.

Further discussion included revised water rate structure, new monthly billing beginning in November, direct retrofit, the annual poster contest, participation in community events, and water audits.

Receipt of Board Member request for agenda items to be placed on future agendas

1. Board's recommendations to the Charter Commission

COMMUNICATIONS

COM 11-04, Letter from the Maui County Charter Commission dated, May 10, 2011 regarding Request for Submittal of Proposed Charter Amendments and/or Recommendations

Director Taylor explained the various options that the board can operate under such as full autonomy, varying degrees of semi-autonomy and advisory. He also pointed out that the board may make their recommendations to the charter commission but the administration may make their own which may not be the same as the board's recommendations.

Chair Robinson encouraged the members to do their homework as to what they would like to have in the discussion next month.

First Deputy Corporation Counsel Ed Kushi will provide copies of other jurisdictions' charters regarding their boards of Water Supply along with Maui County's past ballot that changed this department and the board, and relevant sections of the rules.

DIRECTOR'S REPORT

Director Taylor announced that from now on the board's minutes will be in a summary format except for appeals which will still be in verbatim format.

Motion: Member Gerbig moved to recommend that the board utilize summary minutes for their meetings and then verbatim minutes for appeals and legal issues.

Chair Robinson noted that the board doesn't need a second as the board has no power to make that decision.

Director Taylor explained that the board doesn't even need to vote on it. He is just opening up this matter for discussion.

The members agreed that this was a good idea.

Chair Robinson asked that the minutes be detailed enough so that members who were not present could understand what took place at that meeting.

DIVISION REPORTS

April 2011 Division Reports

Member Gerbig asked if anything was wrong with the Olinda Treatment Facility because we normally run around 1 mgd and now we're down to .1 or 1/10<sup>th</sup>.

Director Taylor stated they had to shut the plant down because a tree fell in the inlet pond and it stirred up all this fine dust that clogged all the screens and so they had to wait until it settled down.

Member Hoxie was particularly interested in Upcountry water in reference to the budget.

Director Taylor explained that the only thing that changed in the budget that the board reviewed in October was the addition of \$10 million in bond money for county-wide source improvements. Though the council took out that \$10 million and also took out money for 2 projects, the Waikamoi Flume Repair of \$10 million and \$5 million for the Piiholo Organic Carbon Reduction and lowered both

to \$1 each as a place-holder and told the department that when they are ready to go out for bid to come back and then they, the council, will look at bond funding then.

ADJOURNMENT

There being no further business the meeting was adjourned at 11:29 a.m.

Prepared by:

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Gaye Hayashida  
Commission Support Clerk

Approved by:

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David Taylor  
Director