

BOARD OF WATER SUPPLY
COUNTY OF MAUI

REGULAR MEETING
MINUTES OF JANUARY 26, 2012

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, January 26, 2012.

CALL TO ORDER

The meeting was called to order by Chair Phyllis Robinson at 9:04 a.m.

ATTENDANCE

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

Members excused: William Kamai
Ted Yamamura

Staff present: Paul Meyer, Deputy Director
James Giroux, Deputy Corporation Counsel
Gaye Hayashida, Commission Support Clerk

Others: Mary Blaine Johnston, Deputy Corporation Counsel
Elliot Luke
Tonya McDade, Court Reporter

ANNOUNCEMENTS

None.

APPROVAL OF MINUTES

Chair Robinson asked for approval of the minutes of November 17, 2011.

Motion: Member Boteilho moved to approve the minutes of November 17, 2011.

Second: Member Eason

Discussion: None.

Vote: Unanimous. Motion carried.

TESTIMONY FROM THE PUBLIC

None.

APPEALS

At this time the Board was given updates on Appeal Nos. 08-06, 11-02 and a request was made by the appellants of Appeal No. 11-01 for a continuance.

UNFINISHED BUSINESS

None.

OTHER BUSINESS

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

Member Hoxie asked for an update on the Waikamoi Flume.

Member Gerbig wants the Board to consider writing a letter to all the council members regarding their opinion on the continuation of the Board of Water Supply, the same letter that was sent to the Charter Commission.

Motion: Member Gerbig moved to write letters to each council member to consider the Board's opinion and recommendation regarding charter amendments.

Second: Member Rust

Discussion: Member Rust said he really wanted this letter sent to council.

Member Gerbig doesn't want anything added, just take the same letter and re-address it to each individual council member.

Deputy Corporation Counsel Giroux suggested sending it to the Council Chair and then it would go to the appropriate committee.

Member Gerbig doesn't want the letter buried in paperwork but wants it to go directly to each council member. The Chair and Member Rust agreed.

Deputy Corporation Counsel Giroux stated that once this issue goes from the Charter Commission to the council the Board could vote to assign someone to "birddog" it. They could then testify and present that letter at the council meeting. It may get lost if it doesn't come right before their decision making or discussion.

Chair Robinson asked Ms. Hayashida to keep the board informed when the Charter Commission's recommendations get on the council's agenda.

Member Hoxie suggested that a copy of the letter should be sent to each council member and then the Board should keep watch on it when it comes up. He stated that he worked on some talking points which he can make available to everyone.

The Board agreed that they would send a cover letter to each individual council member with the BWS recommendation to the Charter Commission as an attachment.

Chair Robinson re-stated the motion to the Board will send to each council member a copy of the Board's recommendations to the Charter Commission with a cover letter and Ms. Hayashida will keep track on which committee this will go to and on the possibility of board member testimony before the council.

Member Hoxie added that he will "dust up" his "talking points" and will bring it to the next meeting.

Vote: Unanimous. Motion carried.

Chair Robinson asked for an update on how the Department is doing on renewable energy being used to help generate electricity for the pumps.

At this time Deputy Director Meyer briefed the Board on this and also on the Waikamoi Flume.

The County of Maui has developed a centralized approach to alternative energy and so the county issued a consolidated request for proposal for all county facilities; ie. baseyard roofs, fire stations, water department tanks, water treatment plants, etc.; just about anywhere where you could put a windmill or solar panel. This was sent to 22 different alternative energy providers in the state and on the mainland.

The response came back very favorably. The proposal was a 20-year fixed rate supply of energy to the county. The county would give away all the tax credits associated with these to the contractor and the contractor would own the panels and use the tax credits. No capital costs would be incurred by the county which Deputy Director Meyer believes is a good deal.

Vice Chair Myers asked what happens the day after the 20 years and it breaks and the company decides to walk away from it?

Member Rust suggested that there should be some provisions for upgrades.

Deputy Director Meyer stated that he wasn't exactly sure what the provisions for upgrades are but the warranty provisions on the pv (photo-voltaic) panels are 25 years performance and the maximum degradation is 1% to 2% a year in terms of the power generated by the panels. The contract calls for the contractor to keep these things in operation for 20 years and at the end of 20 years the county could decide to whether to buy them or have them uninstalled or extend the contract. In terms of upgrades, most don't upgrade the pv system because of the manufacturer's warranty and the track record, though windmills maybe a different story.

The deputy offered to look into the upgrade and warranty provisions and report back at the next meeting.

As for the Waikamoi Flume, the Department has a contractor who has been doing a good job patching the flume as a temporary fix. In terms of the major repair of the flume, the good news is that we do not have to get a U.S. (Army) Corp of Engineers permit. Also, the Department has been informed that the conservation district permit that is reviewed at the state level will be treated on a departmental basis and not at a public comment basis. That takes the risk of intervention, public hearings, etc., off the table.

The design contract is about half done and it may end up being a combination of conveying devices with some large plastic pipe pieces, HDPE pipe, and the box flumes manufactured out of stainless steel. The gulch crossing wood trestles would likely be replaced with galvanized steel. It would be minimally intrusive with the same footprints, same locations as the existing flume.

The Department is hoping to work out a program with the contractor to keep the flume operational as much as possible so that we lose as little water as possible.

Additionally, we are 3/4 of the way through with the EA. Munekiyo and Hiraga will finish it up for the Department. The good news is that the council has approved \$13 million for the project.

Member Gerbig asked if the Department could give an update and status on all approved capital items at the next meeting.

Member Boteilho asked for an update of the Water Use and Development Plan.

Deputy Director Meyer replied that has been pushed back at the request of the State Commission on Water Resource Management. The commission was fairly dissatisfied with the quality and scope of the local county Water Use and Development plans that they were getting. They have asked for a more integrated approach; an approach that would take into account county planning parameters, growth parameters, regional plans and deal with the larger issues of overall water availability, community growth as opposed to talking about specific well issues.

The Department took a step back and has been in discussion with the consultant, Carl Freedman.

Member Hoxie stated that he is disappointed to hear that because the Board spent a lot of time and arguing over this. He asked why are we wasting our time in doing this.

Chair Robinson thinks that when you get into a community about water everyone wants to go into those nitty gritty details and we ran into that on Lana'i even though some of that probably came from Ellen Kraftsow's penchant for detail.

Member Hoxie pointed out that the commission did not get Ellen's report but the abbreviated version which in his opinion was pretty good.

COMMUNICATIONS

None.

DIRECTOR'S REPORT

None.

DIVISION REPORTS

Chair Robinson asked if there were any discussion on drought because she has heard from some of the ranches that they are going into drought planning. Though we are in the middle of winter these percentages from the Upcountry Water Report look very low.

Deputy Director Meyer replied that he spoke to Garrett and Scott Meidell the other day. He noted that it has rained since before Christmas. Wailoa Ditch is uncharacteristically low during this time of the year. We are expecting the rains to return with more consistent weather patterns of the trade winds.

To see Piiholo and Waikamoi reservoirs being drawn down to this low point at this time of the year is a concern. But we haven't started up pumping wells yet and we're probably going to hold off because the odds are it's going to rain soon.

ADJOURNMENT

There being no further business the meeting was adjourned at 10:07 a.m.

Prepared by:

Gaye Hayashida
Commission Support Clerk

Approved by:

Paul J. Meyer
Deputy Director