

COUNCIL OF THE COUNTY OF MAUI
WATER RESOURCES COMMITTEE

September 7, 2012

Committee
Report No. _____

Honorable Chair and Members
of the County Council
County of Maui
Wailuku, Maui, Hawaii

Chair and Members:

Your Water Resources Committee, having met on January 31, 2012, and August 14, 2012, makes reference to County Communication 11-307, from Councilmember Michael P. Victorino, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 14.03, MAUI COUNTY CODE, TO ESTABLISH A WATER CONSERVATION PLAN, AND AMENDING ARTICLE 1, TITLE 14, MAUI COUNTY CODE, RELATING TO WATER SOURCE DEVELOPMENT AGREEMENTS".

The purposes of the proposed bill are to: (1) enact a water conservation plan, pursuant to the provisions of Chapter 14.03, Maui County Code ("MCC"); and (2) delete the provision relating to water source development agreements with private entities from Chapter 14.03, MCC, and insert the provision as a new Chapter 14.16, MCC, instead.

Your Committee notes that Section 14.03.020, MCC, requires the Council to enact a water conservation plan within 180 days after the Board of Water Supply ("Board") transmits proposed elements of the plan to the Council. Your Committee further notes that the Board transmitted its proposed recommendations to the Council by correspondence dated January 19, 2007.

At the request of the Chair of your Committee, the Department of the Corporation Counsel transmitted a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 14.03.020, MAUI COUNTY CODE, RELATING TO WATER CONSERVATION PLAN DEADLINES" ("Deadline Extension bill"). The purpose of the proposed bill is to extend the Council's deadline for enactment of a water conservation plan to August 30, 2013.

The Chair of your Committee noted that the County has implemented a number of water conservation measures since the enactment of the ordinance that requires a water conservation plan. He asked the Director of Water Supply to provide an overview of the County's water conservation efforts.

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The Director stated that a new water service rate for certain customers with above average water consumption was included in the Fiscal Year 2013 Budget. He further stated that the primary purpose of the new water rate is to encourage water conservation.

A representative from the Department of Water Supply stated that the State Commission on Water Resource Management has established a focus group to assist the four counties with incorporating statewide water conservation principles into their respective water use and development plans.

The Department's representative noted that since 2008, the Department has provided customers with over 98,000 high efficiency plumbing fixtures and leak detection tablets, at no cost, through a public awareness campaign. She said that a pilot project initiated in 2008 to retrofit the County's Ka Hale A Ke Ola homeless shelter with high efficiency toilets and fixtures has resulted in a 60 percent reduction in water usage for the shelter. She added that the Department has retrofitted the fifth floor of the County building with new fixtures and has encouraged other Departments to budget for similar projects.

Your Committee recommended that the deadline for the Council's enactment of a water conservation plan be extended until August 30, 2013. The additional time will allow the Department to analyze data relating to the County's water conservation efforts and to further implement water conservation measures. Your Committee also recommended nonsubstantive revisions to the Deadline Extension bill.

Your Committee voted 6-0 to recommend passage of the revised proposed Deadline Extension bill on first reading. Committee Chair Victorino, Vice-Chair Pontanilla, and members Baisa, Carroll, Cochran, and White voted "aye". Committee member Hokama was excused.

Your Committee is in receipt of a revised proposed Deadline Extension bill, approved as to form and legality by the Department of the Corporation Counsel, incorporating your Committee's recommended revisions.

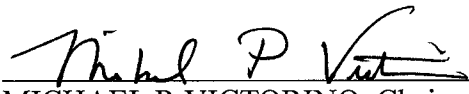
Your Water Resources Committee RECOMMENDS that Bill _____ (2012), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 14.03.020, MAUI COUNTY CODE, RELATING TO WATER CONSERVATION PLAN DEADLINES", be PASSED ON FIRST READING and be ORDERED TO PRINT.

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This report is submitted in accordance with Rule 8 of the Rules of the Council.



MICHAEL P. VICTORINO, Chair

wr:cr:12009aa:kcw

ORDINANCE NO. _____

BILL NO. _____ (2012)

A BILL FOR AN ORDINANCE AMENDING SECTION 14.03.020, MAUI COUNTY CODE,
RELATING TO WATER CONSERVATION PLAN DEADLINES

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Section 14.03.020, Maui County Code, is amended to read as follows:

“14.03.020 Water conservation plan. A. [No later than January 5, 2007, the board of water supply shall transmit to the council proposed elements of a water conservation plan. The proposed elements shall include, but not be limited to, water use regulations relating to outdoor watering, leak detection and prevention, and water reuse.

B. Within one hundred eighty days of the board of water supply’s transmittal required by subsection A of this section, the council shall enact a water conservation plan by ordinance.] On or before August 30, 2013, the council shall enact a water conservation plan. Elements of the water conservation plan may include water use regulations relating to outdoor watering, leak detection and prevention, and water reuse.

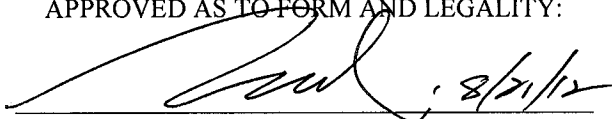
[C.]B. Within one [hundred eighty days] year of the effective date of the ordinance required by subsection [B] A of this section and at least [twice per year] annually thereafter, the [board of water supply] director shall transmit to the council a report on the effectiveness of the water conservation plan and, with the report, may propose amendments to the water conservation plan.

[D. Within one hundred eighty days of any amendment to the water conservation plan, the board of water supply shall transmit to the council a report on the effectiveness of the water conservation plan, as amended, an may propose further amendments to the plan.]”

SECTION 2. Material to be repealed is bracketed. New material is underscored. In printing this bill, the County Clerk need not include the brackets, the bracketed material, or the underscoring.

SECTION 3. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:

A handwritten signature in black ink, appearing to read "EK", is written over a horizontal line. To the right of the signature, the date "8/21/12" is handwritten.

Edward S. Kushi, Jr.
Department of the Corporation Counsel
County of Maui
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