

COUNCIL OF THE COUNTY OF MAUI  
**WATER RESOURCES COMMITTEE**

November 16, 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 September 18, 2012, and October 30, 2012, makes reference to the following:

1. County Communication 12-97, from Councilmember Michael P. Victorino, referring the matter relating to water meter issuance for the Upcountry area; and
2. County Communication 12-216, from the Director of Water Supply, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE RELATING TO WATER METER ISSUANCE PROVISIONS FOR THE UPCOUNTRY WATER SYSTEM".

The purposes of the proposed bill are to enable the Department of Water Supply to expeditiously process water service applications and eliminate the Upcountry Water Meter Priority List by (1) stopping the acceptance of applications for new or additional water service as of a date to be determined by the Council; (2) prohibiting the issuance of a water meter to any applicant who is not on the priority list as of a date to be determined by the Council, until all applicants on the list have either accepted water service or have been removed from the list; and (3) deleting provisions relating to the time frame in which applicants must accept water service.

Your Committee received a presentation from the Director of Water Supply, which included a plan to provide water meter reservations to all applicants on the priority list. The Director said that the Department has maintained the priority list since November 2, 1994. He projected that providing water meter reservations to all applicants on the list who want meters would take approximately two to three years to complete.

Your Committee recommended that the proposed bill be revised to require that the provisions take effect upon enactment of the ordinance. Your Committee also recommended that the proposed bill be revised to require the Council to review Chapter 14.13, Maui County Code, within two years.

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Your Committee voted 7-0 to recommend passage of the revised proposed bill on first reading and filing of the communications. Committee Chair Victorino, Vice-Chair Pontanilla, and members Baisa, Carroll, Cochran, Hokama, and White voted "aye".

Your Committee is in receipt of a revised proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 14.13, MAUI COUNTY CODE, RELATING TO WATER METER ISSUANCE PROVISIONS FOR THE UPCOUNTRY WATER SYSTEM", approved as to form and legality by the Department of the Corporation Counsel, incorporating your Committee's recommended revisions and nonsubstantive revisions.

Your Water Resources Committee RECOMMENDS the following:

1. That Bill \_\_\_\_\_ (2012), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 14.13, MAUI COUNTY CODE, RELATING TO WATER METER ISSUANCE PROVISIONS FOR THE UPCOUNTRY WATER SYSTEM", be PASSED ON FIRST READING and be ORDERED TO PRINT;
2. That County Communication 12-97 be FILED; and
3. That County Communication 12-216 be FILED.

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



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MICHAEL P. VICTORINO, Chair

wr:cr:12014aa:kew

ORDINANCE NO. \_\_\_\_\_

BILL NO. \_\_\_\_\_ (2012)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 14.13,  
MAUI COUNTY CODE, RELATING TO WATER METER  
ISSUANCE PROVISIONS FOR THE UPCOUNTRY WATER SYSTEM

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

SECTION 1. The purpose of this bill is to amend sections of Chapter 14.13, Maui County Code, relating to water meter issuance provisions for the upcountry water system.

SECTION 2. Section 14.13.040, Maui County Code, is amended to read as follows:

**"14.13.040 Water service requests.** A. On March 16, 1993, the upcountry water system was found to have insufficient water supply developed for fire protection, domestic, and irrigation purposes to take on new or additional water services without detriment to those already served in the regulated area. Since November 2, 1994, the department has maintained a priority list of premises, organized by the date applications for new or additional water service were received for such premises. Effective as of January 1, 2013, the department will not accept any new applications to be placed on the priority list.

B. [The director shall annually update the priority list of premises applying for new or additional water service from the upcountry water system.

C.] Premises on the priority list that are unable to fulfill departmental requirements for water service or who refuse water service shall be removed from the priority list. [A new application must be submitted in order to be placed back on the priority list.

D.] C. Requests for new or additional water service shall be limited to one meter size upgrade to the next larger meter size or a single 5/8-inch meter per request or planned subdivided lot but shall not exceed the number of lots created by the subdivision."

SECTION 3. Section 14.13.060, Maui County Code, is amended to read as follows:

"14.13.060 Installation of water meters and issuance of water meter reservations. A. If additional source for the upcountry water system becomes available, the director shall process applications for water meters in the order of the priority list up to the average day capacity of any additional source with allowance for the department's operational standards. The department shall not issue a water meter to any applicant who is not on the priority list until all applicants who are on said priority list have either accepted water service or have been removed from the priority list pursuant to this chapter.

B. Prior to the installation of a water meter, an applicant shall complete water system improvements to the premises and/or to the department's water system, provided that the improvements are necessary to meet the water system requirements set forth in this article, or to meet the fire protection requirements pursuant to the County's fire code.

C. If an applicant from the priority list is unable to accept water service immediately, the department may issue a reservation for water service up to the requested allocation available at the time the request is made, [all in accordance with the department's existing rules and regulations.] in accordance with terms and conditions set forth in section 14.07.090 of this code.

[For water meter reservations affecting the department's upcountry water system, an applicant shall have five years from the date of the issuance of a water meter reservation to complete the water system improvements, after which time the reservation shall expire and the premise shall be removed from the priority list.

An applicant may apply for two time extensions of up to six months each, provided that any request for an extension of time shall be received by the director at least thirty days before the associated expiration date.]"

SECTION 4. Chapter 14.13, Maui County Code, is amended by adding a new section to be appropriately designated and to read as follows:

"Section 14.13.110 Review. Commencing on January 2, 2014, and every two years thereafter, the council shall review this chapter."

SECTION 5. 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 6. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM  
AND LEGALITY:



EDWARD S. KUSHI, JR.  
First Deputy Corporation Counsel

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