

# WATER RESOURCES COMMITTEE

Council of the County of Maui

## MINUTES

December 4, 2012

Council Chamber, 8<sup>th</sup> Floor

**CONVENE:** 9:00 a.m.

**PRESENT:** VOTING MEMBERS:

Councilmember Michael P. Victorino, Chair  
Councilmember Joseph Pontanilla, Vice-Chair  
Councilmember Gladys C. Baisa (in 9:08 a.m.)  
Councilmember Robert Carroll  
Councilmember Elle Cochran (in 9:03 a.m.)  
Councilmember G. Riki Hokama  
Councilmember Mike B. White

**STAFF:** Kimberley Willenbrink, Legislative Analyst  
Regina Gormley, Legislative Attorney  
Yvette Bouthillier, Committee Secretary

**ADMIN.:** Dave Taylor, Director, Department of Water Supply  
Jennifer Oana, Deputy Corporation Counsel, Department of the Corporation Counsel

Seated in the gallery:

Edward S. Kushi, Jr., First Deputy Corporation Counsel, Department of the Corporation Counsel

**PRESS:** Akaku: Maui Community Television, Inc.

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**CHAIR VICTORINO:** . . .(*gavel*). . . Good morning. The meeting of December 4th, 2012 for the Water Resources Committee will come into session. First of all, I'd like to ask everyone who has cell phones if they would please turn them off or put it on the silent mode, I would appreciate that. Secondly, I would like to introduce all of the Members that are here this morning. Our voting Member, first of all, let me start with the Vice-Chair of our Committee and this gentleman has served us for many, many years, and this will be his last Water Resources Committee meeting because this is the last Water Resources Committee and I'd like to recognize, a special recognition for our Vice-Chair of the Council and the Vice-Chair of the Committee - Mr. Joseph Pontanilla.

**VICE-CHAIR PONTANILLA:** Good morning, Chairman.

**CHAIR VICTORINO:** Good morning, sir. Also here from East Maui our representative, Robert Carroll. Good morning, sir.

**COUNCILMEMBER CARROLL:** Good morning, Chair.

**WATER RESOURCES COMMITTEE**  
**Council of the County of Maui**

**December 4, 2012**

---

CHAIR VICTORINO: And thank you for a great Christmas party, excellent job. Also our . . . running right in right now our West Maui representative, Ms. Elle Cochran.

COUNCILMEMBER COCHRAN: Good morning.

CHAIR VICTORINO: Good morning. And then our Lanai representative, Mr. Riki Hokama.

COUNCILMEMBER HOKAMA: Chairman.

CHAIR VICTORINO: Good morning. And of course, our Makawao-Haiku-Paia representative, Mr. Mike White.

COUNCILMEMBER WHITE: Good morning, Chair.

CHAIR VICTORINO: Good morning. Excused at this time is the Upcountry representative, Ms. Gladys Baisa. Mr. Taylor is not here yet but we do have, instead of Mr. Kushi, we have a new representative. I have been told she will be taking over. And I think I'd like to welcome Jennifer Oana. Thank you and welcome. And Mr. Taylor has entered the room so, Mr. Taylor, if you would come forward. Even though there may not be anything for you to say just in case, ladies and gentlemen, Mr. David Taylor, our Director of Water Supply.

MR. TAYLOR: Good morning.

CHAIR VICTORINO: Our Committee staff and one that has been extremely helpful and like most of us here we cannot say enough thank yous to them for all the great service they paid to this Committee and all the Committees for which many of them also serve as backups too - Kim Willenbrink, our Legislative Analyst.

MS. WILLENBRINK: Good morning, Chair.

CHAIR VICTORINO: And Gina Gormley, our Legislative Attorney; and of course our ever trusting Committee Secretary, Yvette Bouthillier. Thank you very much for being here. As you well know, this is our last meeting. I mentioned that earlier for this term and so I will say that we have a number of items that really I'm asking to just move on to our next Council term and we'll go over that shortly. But what I'd like to do is if there's anybody who signed up for public testimony, do we have any? No? Nobody signed up for public testimony. So seeing that there's no charge to the podium, with no objections I will ask to close public testimony.

COUNCIL MEMBERS: No objections.

CHAIR VICTORINO: Thank you. Moving right along, as you note here on your agenda, we have WR-13, which is the Contract WC0701 Consulting Services for the Hamakuapoko

**WATER RESOURCES COMMITTEE**  
**Council of the County of Maui**

**December 4, 2012**

---

Wells 1 and 2, Pumps and Water Mains Environmental Assessment which isn't completed yet is it, Mr. Taylor? Why hasn't it been brought to us yet?

MR. TAYLOR: The environmental assessment, Final Environmental Assessment should be published this month.

CHAIR VICTORINO: Okay, alright. WR-15, the Lanai Water System Acquisition Appraisal; WR-16, Establishing a Lanai Water Advisory Committee; and the last one is, WR-27, Access through the Hans Michel property for the maintenance and operation of Kanaha Valley Stream.

**COMMUNICATIONS FOR REFERRAL TO THE COUNCIL CHAIR FOR THE TERM BEGINNING JANUARY 2, 2013, PURSUANT TO RULE 23 OF THE RULES OF COUNCIL**

So, these are the four items that under, and I will make my recommendation, these items on today's agenda would normally be automatically filed pursuant to Rule 23 of the Council Rules. However, I am recommending that these items on today's agenda be referred to the Council for the term beginning January 2, 2013 because I feel further discussion on all these matters are warranted. So, is there any discussion? If not, this is my recommendation.

COUNCILMEMBER HOKAMA: So move, Chairman.

VICE-CHAIR PONTANILLA: Second.

CHAIR VICTORINO: It's been moved by Member Hokama, seconded by Member Pontanilla. Any other discussion? Seeing none. All those in favor?

COUNCILMEMBER HOKAMA: Aye.

VICE-CHAIR PONTANILLA: Aye.

CHAIR VICTORINO: Opposed? Let the record read six affirmative; 1 excused - Member Baisa.

**VOTE:       AYES:       Chair Victorino, Vice-Chair Pontanilla, and Councilmembers Carroll, Cochran, Hokama, and White.**

**NOES:       None.**

**ABSTAIN:   None.**

**ABSENT:     None.**

**WATER RESOURCES COMMITTEE**  
**Council of the County of Maui**

December 4, 2012

---

**EXC.: Councilmember Baisa.**

**MOTION CARRIED.**

**ACTION: Recommending REFERRAL of WR-13, WR-15, WR-16, and WR-27 to the Council Chair for the term beginning January 2, 2013, pursuant to Rule 23 of the Rules of the Council.**

CHAIR VICTORINO: Members, that was the only thing on the agenda but before I close today's meeting, I would like to take a few moments to thank all of you for your tremendous diligence and hard work in this Committee. I think we've accomplished many, many landmark decisions in this Committee over the last two years, and I want to thank the Director of Water Supply, David Taylor. I think it's been a very amicable working relationship, and sometimes I'm sorry if the questions get hard but that's what you're here for -- the hard questions and the answers for which we need to have to make good, sound decisions for our community at large. And also, I'd like to recognize Member Baisa. Good morning, Ms. Baisa.

COUNCILMEMBER BAISA: Good morning, Chair, and I apologize for my tardiness. I was unavoidably detained. Thank you.

CHAIR VICTORINO: It happens to all of us at times so not a problem, Madam Chair. Again, I would like to take another moment to recognize Mr. Ed Kushi who happens to be in the back of the room today for his years of service to this Committee. As long as I've been in the Council, Mr. Kushi has been our Corporation Counsel. And although Jennifer is taking over, you are still one of our what I call leading counselors when it comes to issues in the area of water and I want to thank you for all your years of service. I'd like to thank the staff again, Ms. Willenbrink, Ms. Bouthillier, and Ms. Gormley because you folks make things tick. You guys make things work and you've covered many of the tracks that needed to be covered and I appreciate that very much, and I appreciate, and I think the Committee appreciates your due diligence in getting information when requested, so thank you, very, very much. I'd like to make a special recognition to our departing Member who will be leaving us at the end of this term, Mr. Joseph Pontanilla. Joe, you have been a tremendous asset to this Committee, to this Council, and to this community. And you're going to be sorely missed; you're going to be sorely missed and I will give you a moment to say a few words because being this is your last Water Resources Committee meeting, please.

VICE-CHAIR PONTANILLA: Thank you, Chairman Victorino. It has been a pleasure serving on the Water Committee as your Vice-Chair for the last two terms, I think. And, yes, we've done a lot through your chairmanship in regards to water issues. And I'd like to thank the Members that are here this morning that also serve on the Committee for their due diligence in trying to make Maui County a better place to live. For all of the staff people as well as Mr. Taylor here who is, in my opinion, and no get embarrassed, okay,

**WATER RESOURCES COMMITTEE**  
**Council of the County of Maui**

**December 4, 2012**

---

he's one of the guys I really trust in Maui County in regards to the things that he does. Ever since coming to the County of Maui I've watched this guy work through Public Works and then Environmental Management and he had done a really, really tremendous job for the County of Maui. So I'd just like to recognize David for all he does for the County of Maui. And also, staff, you cannot get away from staff because they're basically your right-hand people. If it wasn't for them, then sometimes the meeting go array and they bring you back into perspective so, again, you've done a tremendous job in the last four years as the Chairman for the Water Committee, and I really want to recognize your efforts for making Maui County a better place. Thank you.

**CHAIR VICTORINO:** Thank you, Mr. Pontanilla, and again, nothing gets done without the Committee, and I want to recognize that fact. I'll give everybody a few moments, you know, we've got some time. I mean, I could have made it in two minutes almost. I'll start with you Mr. White and just work right down the row.

**COUNCILMEMBER WHITE:** Well, I think Mr. Pontanilla said it all; I think that we've got great staff and good leadership from the Water Department and from your chairmanship has moved things along that have been stymied for a while, and I think Maui is well served by the things we've been able to move this year. Thank you, Chair.

**CHAIR VICTORINO:** Thank you, Mr. White. And being your rookie season, you've been a tremendous asset also so thank you very, very much. Mr. Hokama?

**COUNCILMEMBER HOKAMA:** It's been a challenging term, Chairman, and I thank you for your patience and guidance not only with the Members but also with the topics of the agenda. It's not been an easy term but I appreciate your willingness to schedule difficulty meetings and listen to the concerns of the community and I appreciate that very much as we move forward into the new term, you and I together. I just re-read an interesting, old article - Hawaii Business News, 1964 with Chairman Eddie Tam on the cover. And while the values are 1964 values, if you read the Chairman's comments, the Chairman was also still concerned about water resources, water development in Maui County in '64. Now, this is before Wailea. This is really before Kihei really becoming Kihei. Kaanapali was maybe just . . . original Hilton, I think I believe, and so there were interesting times of how the County was facing its water situation at that point. So, while things changed, Chairman, some things never changed. Thank you.

**CHAIR VICTORINO:** Thank you, and how more true words have been spoken today. And the other I would say rookie from West Maui, Ms. Cochran.

**COUNCILMEMBER COCHRAN:** Thank you, Chair. Trying to preserve my voice so I'm not going to say a whole lot but 1964 Mr. Hokama mentioned the year I was born, and I remember we didn't have bottled water back then. We drank good old tap, County water, and I feel I've grew up to be a quite healthy person growing up with that. But Chair, I just want to thank you for bringing up some really great items carrying them through to the next term. I'm looking forward especially WR-27 in regards to Hans Michel. There's not a day that goes by practically that he

**WATER RESOURCES COMMITTEE**  
**Council of the County of Maui**

**December 4, 2012**

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does not give me a call and does not remind me of this issue so I'm really looking forward to settle this once and for all. I think Mr. Taylor knows too. And also, Lanai Water Advisory, you know, the Committee and then acquisition and appraisal, looks very interesting and looking forward to working through all this. I know I will not be a voting member on your Committee coming up but I'm sure looking forward to participating anyways. Thank you, Chair.

CHAIR VICTORINO: Thank you. And you're always welcome, ma'am. Always welcome. Ms. Baisa, she and I have been together for six years on this Committee. I mean, we have history now. Go ahead, Ms. Baisa.

COUNCILMEMBER BAISA: Well, classmate. It's interesting, we are the class and I want to thank you, Chair, for the work you've done as the Chair of this Committee. This is a very difficult Committee, and it may not seem to be that way but it is because the central issue that everything is built around is water. And this is a problem that everybody is interesting in or they should be interested in because it's relevant to everything that we do here in the Council. And it's exciting to me, you know, we've been through three terms now both of us, and we've participated . . . you've been the Chair of the Water Committee and I've been on your Committee trying to be helpful in however I could be because it's the issue that definitely is number one in the area that I represent. People Upcountry are very concerned about water. And it's been frustrating because it's taken us six years to get to where we're at; however, we have reached an exciting moment and we really got something done this term and I want to thank you for being bold and bringing it forward because it is controversial. But you know you've never been one to run away from a controversy anyway. I mean, I think you kind of like that kind of thing because you're ready for defending a position and I think that's really important, and yet letting everybody come and talk story whoever wants to. I wish the public were more involved in the decisions that are made here because they do affect everybody. But you know, we've made progress, and with the help of our new director we finally are beginning to address that really tough issue of the Upcountry Meter List. And I'm really, really looking forward to this term that's coming because we're going to be finishing that . . . the legislation that enables that to be taken care of. And everywhere I've been in the last couple weeks everybody has stopped me to ask me a question about that. What's going to happen when the meter list is gone? Who is going to pay for it? All of these questions are beginning to come up and we're going to be in the thick of that, and so I think it's going to be a real exciting Water Committee and I know that with the help of the Members we're going to solve these issues because this Council I am so proud to be a Member of this Council and I'm even prouder of looking forward to next year. We have another outstanding Council coming in. And we're going to work hard to try and take care of the people's business, and I know that you're going to do a great job as Chair and I want to thank you for all the hard work you put in. I want to thank the Members of the Committee. I think we got an outstanding committee. We haven't shirked and run away from tough issues. We've sat here and tried to deal with them. I want to thank the staff. You know I am constantly impressed with our staff. Our entire staff is high quality; they're dedicated and I don't care who wants to make remarks about County workers. I gotta tell you, we have some of the best workers in the entire State and they work right here in this building. So, thank you, everybody. Wish you happy holidays and I certainly look forward to next term. Thank you.

**WATER RESOURCES COMMITTEE**  
**Council of the County of Maui**

**December 4, 2012**

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CHAIR VICTORINO: Thank you, Madam Chair.

VICE-CHAIR PONTANILLA: Chair? Just two things I forgot.

CHAIR VICTORINO: Okay. And try remember 'em, hold on to 'em 'cause I like let Mr. Carroll finish. I promise.

VICE-CHAIR PONTANILLA: I didn't see Mr. Carroll. Sorry. Sorry, Bob.

CHAIR VICTORINO: And then I'll go back to you, okay, is that all right? Mr. Carroll, go ahead?

COUNCILMEMBER CARROLL: You always let me go because I don't talk long. Chair, the past two years have been good years in this Committee and very productive. And I think under your leadership we've set the precedent to have two more good years after this, and productive years. I think the public is satisfied. I am satisfied. I think the Committee can be very proud of the work that has been done, and I think that the standards that you have set and we have preceded to address all of the difficult issues in the next two years I think we can be proud of that. And I look forward to these next two years under your leadership. Mahalo.

CHAIR VICTORINO: Thank you, Mr. Carroll. Mr. Pontanilla?

VICE-CHAIR PONTANILLA: Okay, thank you. I forgot to say thank you to Mr. Kushi. For as long as I can remember he's been on the Water Board, ah, supporting the Water Department in regards to . . . from Corporation Counsel. So that has been like ten years. The other thing I'd like to recognize because when I first got elected as a Council member the first book that I pulled out was written . . . it wasn't a book. It was a study that was made by Norman Saito Engineering. And it was very interesting reading that particular study because it laid out a plan for the County of Maui. And his envision was that in the year 2000 that the County should be . . . if they follow the plan, by the year 2000 if everything was completed, the mess that we are in today could have been alleviated. So I really want to thank Mr. Saito for making that study because it gave us a plan to move forward on, and this was back in 1983 mind you. So, you know, 20 plus years has gone by and now we are trying to catch up. So, thank you for allowing me to provide comments on those two items. Thank you.

CHAIR VICTORINO: No, it's an honor to let me finish up by saying, first of all, thank you for the kind words but, you know, I gotta be honest, if it wasn't for you folks, you, the Committee, you make me look good, you make the County look up, it's the Committee. And I've always said that. No team is great without the team working together. It's not "I", it's "we". I've said that from the beginning and I've been proud to say that whatever issues have come up, Ms. Baisa, we've taken 'em on. And I think the next term we've got more issues and we'll take 'em on. I've been proud to work with this Council over the past six terms but the last two terms, especially this last term I've found a real cooperative sense of togetherness. We wanted to solve problems so we worked at it. And the votes, as you remember, and if anybody watched us, 5-4 many times but it's different fives, different fours, and winning and losing or yea or nay on any subject matter just depended on how our heart felt on the issue at hand. So I can say that I'm proud to know each

**WATER RESOURCES COMMITTEE**  
**Council of the County of Maui**

**December 4, 2012**

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one of you have given tremendous effort and tremendous support not only to this Committee but the Council, in general, and every other Committee. For you, Mr. Pontanilla, your integrity, your word is something that I've always cherished. When you say you're going to do something or you not going to do something, you stick with it and I appreciate that, and that's something I treasure even for myself. When I say this is what we're going to do, I'll stick with it. Even if I am the only "no" vote, I will stick to my conviction and I think that's important. And everyone in this room has that same attitude. I will stick to my conviction and you may be the only "no" vote. Or you may be the only "yes" vote but it doesn't make a difference. You stick with what you believe and that's important. I think the people of Maui County benefit from that because we all bring a different perspective, you know, whether it's Ms. Baisa and her mom in paying cash which my parents used to tell me too. Pay cash or don't buy; no charge. To some of the others like Ms. Cochran and living off the grid and all of that, you know, I mean these are all important aspects of our lives. And Mr. White with his background in the hotel industry and State government; and Mr. Hokama, your institutional knowledge bar none, you know. None of us have that. Mr. Carroll, your experiences not in the business world but in the community is a tremendous asset. So everywhere across the board I can never ask for more from my Committee except the support and hard work. And sometimes if I seem frustrated I get a little uptight, well, excuse me, because I wanted to get something done and it wasn't moving the way I thought it would move. But again, I'm proud to have worked with all of you. I look forward to working with most of you next term. And for Mr. Pontanilla, as you move on in your future endeavors, you know, the door is always open. You're always welcome to come back. And if I have questions, you better believe I'm calling 'cause you have a lot of heart for this community and a lot of knowledge that all of us can benefit from. So, is there's nothing else . . . Mr. Taylor, I don't want to leave you out. You can say a few words because we've all been very happy to work with you. We've enjoyed our two years together and we have two more but if you want to say a few words . . . go ahead. You're not a man of short of words, I know that.

**MR. TAYLOR:** I have no PowerPoint so thank you all very much. It's been a pleasure.

**CHAIR VICTORINO:** Okay. Next time be prepared with a PowerPoint, okay, please. Anyhow, again, to the staff, to everybody, and to the public in general, I want to wish you all a very Merry Xmas and a Healthy and Happy and a Safe New Year, please. Please, public at large, be careful. We're all in a hurry. We all want to get somewhere fast and we just don't want the holidays to be tragic. There have been enough tragedies on our island and our County for the last year. Let's not have any more. Let's make this the most memorable Christmas without any more tragedies. And all of us know that we lost a very important businessman in Wailuku Town and our Maui Bakery here, and we're going to miss him tremendously and our hearts are out to his family and his wife. May our prayers bring some comfort to the family. So, with no further ado, I will say, oh, one more thing. Jennifer informed me that she's not taking over; she was just standing in for Ed so everybody, don't get excited. Ed will be back. Mr. Kushi will return. Anyhow, the meeting of the Water Resources Committee for December 4th, 2012, will now be adjourned. . . .(gavel) . . .

**ADJOURN:** 9:25 a.m.



**WATER RESOURCES COMMITTEE**  
**Council of the County of Maui**

**December 4, 2012**

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APPROVED:



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MICHAEL P. VICTORINO, Chair  
Water Resources Committee

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Transcribed by: Jo-Ann Sato