

BOARD OF WATER SUPPLY
COUNTY OF MAUI

REGULAR MEETING
MINUTES OF JANUARY 17, 2013

The regular meeting of the Maui County Board of Water Supply was held at the Department of Planning Conference Room, 250 South High Street, Wailuku, Maui, on Thursday, January 17, 2013.

CALL TO ORDER

The meeting was called to order by Chair Kevin Boteilho at 9:00 a.m.

ATTENDANCE

Members present: Kevin Boteilho, Chair
John Hoxie, Vice Chair
Patricia Eason
Donald Gerbig
William Kamai
Cyrus Kodani
Michael Suzuki
James Rust

Excused: Robert Joslin

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

ANNOUNCEMENTS

None.

APPROVAL OF MINUTES

Minutes of December 20, 2012

Chair Boteilho asked for approval of the minutes.

Motion: Member Rust moved to approve the minutes of December 20, 2012

Second: Vice Chair Hoxie

Discussion: Member Kamai pointed out that there was a letter from Jim Smith.

The chair acknowledged a letter was received that questioned the minutes of the last meeting.

Mr. Giroux said he read it but was unsure which minutes it was about. He wanted to bring this up before the board votes on the December minutes. He suggested that they finish up with these minutes and then they can discuss the letter later.

Director Taylor explained that before he became the director there were verbatim minutes. He saw no point in doing minutes this way for general discussion matters. Though verbatim minutes are done by a court reporter for appeals because these may go to a higher authority and exact wording may be important.

Chair Boteilho thanked the director and then asked for a vote to approve the minutes.

Vote: Unanimous. Motion carried. The minutes of December 20, 2012 were approved.

Later in the meeting the Board re-visited the matter of Mr. Smith's letter. See page 5.

TESTIMONY FROM THE PUBLIC

There were no public testifiers for this meeting.

APPEALS

There were no appeals scheduled for this meeting though there are 2 appeals which have been filed with the Board.

UNFINISHED BUSINESS

None.

OTHER BUSINESS

Discussion/possible action regarding the Board's Recommendation Letters to the Maui County Council on Ordinance No. 3997, WATER METER ISSUANCE PROVISIONS FOR THE UPCOUNTRY WATER SYSTEM

Discussion/possible action regarding the Board's Recommendation Letter to the Maui County Council on A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2013 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO REVENUES - FEES, RATES, ASSESSMENTS AND TAXES FOR THE DEPARTMENT OF WATER SUPPLY, WATER SHORTAGE RATES.

Discussion/possible action on the Board's Recommendation Letter regarding WATER USAGE DURING WATER SHORTAGE (WR18) to Committee Chair Victorino

At this time, staff informed the board that Kim Willenbrink, Legislative Analyst for the Water Resources Committee, suggested that the Board send out separate recommendation letters to the council. Copies of the draft letters were included in the board's packet. The reasons being that:

1. The amendment to the Water Meter Issuance Provisions for the Upcountry Water System has passed second reading but the Board is still welcome to give their thoughts and recommendations to the council on this matter. This recommendation letter will be transmitted to the council on January 18, 2013.
2. The amendment to the FY2013 Budget regarding the Department of Water Supply (water shortage rates) has been tabled. Again, the Board's recommendation will be transmitted to the council on January 18, 2013.
3. The Water Usage During Water Shortage (WR18) bill is still active and has been sent back to the Water Resources Committee for further discussion. This matter will be taken up at their January 30th meeting. The Board's recommendation on this matter will be transmitted to the council's committee on January 22, 2013.

Director Taylor noted that even though the FY2013 Budget amendment has been tabled the department intends to include the water shortage rates with the exact same language and numbers in their proposed FY2014 budget to the council.

Motion: Vice Chair Hoxie moved to accept as written and send out all 3 letters of the Board's recommendations to the council.

Second: Member Rust

Discussion: None

Vote: Unanimous. Motion carried. All 3 Board recommendations letters will be sent to the County Council.

Discussion and Report by Chair Boteilho and Vice Chair Hoxie on the 1st Annual Joint State Water Conference held on January 15, 2013

Chair Boteilho reported that it was very informative and the conference covered a lot of issues though he had hoped that they would have had more participants from other segments of the state government. He hoped that next year the DLNR and possibly the DHHL, and other stakeholders would participate in this. Overall, he enjoyed the meeting.

Vice Chair Hoxie agreed with the chair's assessment of the conference. He noted that there was a very diverse group attending. He added that he personally learned a lot from the Maui Surface Water presentation by Dean Ueno on a very complex and complicated issue. He thought the conference was very well done and he looks forward to another conference.

Member Gerbig asked if a written report will be given to the members.

Vice Chair Hoxie replied that he was not aware of this but he offered the handouts he received to Member Gerbig to look at.

Director Taylor explained that the State Department of Health (DOH) received a grant from the EPA for an ongoing program of public education on water issues. The DOH, together with the Commission on Water Resource Management, then contacted the Department of Water Supply. It was the plan of the DOH to have a conference on each island.

As far as bringing other agencies for future conferences it is up to the DOH. What the department had tried to do was to find the water planning nexus and that is why the Planning Director had a big part of it. They tried to invite the right mix of people, e.g., department staff, members of the public, environmental groups, so that everyone could understand how different water and planning issues intersected. This conference was not advertised and was by invitation only due to a limited number of seating. They did not have enough space for all the members of the Board so only the chair and vice chair were invited.

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

There were no requests for future agenda items at this time.

COMMUNICATIONS

There were no communication items.

DIRECTOR'S REPORT

Director Taylor stated that they are focused on finalizing the FY2014 budget and presenting it to the council by March 25th. Coming before the council will be the drought bill and the only other thing going on is an inter-governmental agreement between the water departments on the 4 islands for a mutual aid agreement in times of disasters.

The Water Use and Development Plan public meetings started last week with Central and South Maui and Upcountry. Tonight is West Maui and next Tuesday is Hana. The meetings last week were attended by a staff member from the Water Commission, which was very helpful as most of the issues that come up have to do with stream flow,

and rights and practices which are commission issues not Department of Water Supply issues.

The capital improvement projects are going forward, the Upcountry reservoirs are full, and the department is moving ahead with normal operations.

The monthly billing is going forward; there is no going back because the current bi-monthly system crashed 2 weeks ago because it was so old.

At this time the chair asked if any member wanted to place Jim Smith's letter on the next agenda for discussion.

Member Rust asked if there were things missing in the minutes that Mr. Smith's letter alludes to.

Vice Chair Hoxie stated that at the last meeting Mr. Smith gave a presentation on some very general issues along with a handout from 1992. The vice chair asked if it was appropriate to ask Mr. Smith to summarize his testimony in writing.

Mr. Giroux offered the Board an option to incorporate Mr. Smith's letter as an addendum to the minutes that he is referring to. For clarification, Mr. Giroux explained that Mr. Smith is referring to the minutes of December 20th which the Board had just adopted this morning.

Motion: Member Rust moved that Jim Smith's letter dated January 16, 2013, be made an addendum to the December 20, 2012 minutes.

Second: Member Gerbig

Discussion: Vice Chair Hoxie stated that he has the minutes of November 15th and maybe they should find out what Mr. Smith is referring to.

Director Taylor recalled that Mr. Smith gave a very lengthy discourse about process and procedure that was about the 3 bills and how the Board should proceed on these bills. The director pointed out that the Board has already taken action on these bills.

He has instructed staff that when it is general testimony or discussion to just do summary minutes.

The director is concerned that if the Board asks Mr. Smith to write a summary of his testimony then it will be new testimony.

Chair Boteilho agreed.

Director Taylor suggested that the questions the Board should ask is did they listen to Jim Smith's presentation; did they take that into account or not and make whatever decisions they made; and if they did, do they feel they need more information or is the summary minutes enough.

Member Gerbig agreed and stated that the Board made the decisions on the 3 bills after Mr. Smith testified so his testimony was taken into consideration.

Member Eason asked if attaching the letter is the easiest way to do it, otherwise if the Board asks for a summary from Mr. Smith it would be new testimony.

Chair Boteilho replied yes.

Vote: Unanimous. Motion carried. Mr. Smith's letter will be attached to the December 20, 2012 summary minutes.

Staff noted that Mr. Smith's letter will be attached to the official approved minutes but what is on the website will not change.

DIVISION REPORT

November Division Reports

There was no discussion on this item.

ADJOURNMENT

There being no further business the meeting was adjourned at 9:35 a.m.

Prepared by:

Gaye Hayashida
Commission Support Clerk

Approved by:

Dave Taylor
Director