

BOARD OF WATER SUPPLY
COUNTY OF MAUI

REGULAR MEETING
MINUTES OF FEBRUARY 21, 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, February 21, 2013.

CALL TO ORDER

The meeting was called to order by Vice Chair John Hoxie at 9:00 a.m.

ATTENDANCE

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

Excused: Kevin Boteilho, Chair

Staff present: Dave Taylor, Director
Paul Meyer, Deputy Director
Pam Pogue, Water Resources & Planning Program Manager
Jennifer Oana, Deputy Corporation Counsel
Gaye Hayashida, Commission Support Clerk

ANNOUNCEMENTS

Board Members' Expiring Terms

Vice Chair Hoxie announced that Chair Boteilho's and Member Kodani's terms will be expiring next month. They both were appointed to fill unexpired terms though only Member Kodani may be re-appointed to a 5-year term because he has served less than 2 years.

The vice chair then asked the rest of the members to think about electing a new chair for the next meeting.

APPROVAL OF MINUTES

Minutes of January 17, 2013

Vice Chair Hoxie asked for a motion to accept the minutes of January 17, 2013.

Motion: Member Gerbig moved to approve the minutes of January 17, 2013

Second: Member Rust

Discussion: None.

Vote: Unanimous. Motion carried. The minutes of January 17, 2013 were approved.

TESTIMONY FROM THE PUBLIC

Mr. Jim Smith testified on the Board's Minutes. He explained that at the last meeting he had submitted written testimony referring to the December 20th meeting. His testimony had to do with the contents of the minutes which is symptomatic of a deeper problem.

The council has been told that this Board is advisory only and if no one asks for the board's input then the board does nothing. He believes this is wrong and asks this Board to 1) proceed and seek legal counsel independent of corporation counsel on the board's powers, and 2) request that all public related policy matters be sent to this Board for review. Otherwise, the charter amendment that makes this board advisors to the mayor and the council is meaningless. And that goes to the agenda that words don't matter, action does.

APPEALS

There were no appeals scheduled for this meeting but Vice Chair Hoxie asked for an update.

Staff informed the Board that currently there are only 2 appeals. The first one is Granite Fund IV/Black Diamond Management dba The Hotel Wailea. Their attorney met with the department's attorney for a pre-hearing meeting and both sides agreed to a hearing date for July 18th. No hearing date has been set for the other appeal, Iwa Ike LLC.

UNFINISHED BUSINESS

None.

OTHER BUSINESS

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

1. Member Gerbig requested a brief report from the department on how the U.S. Fish and Wildlife's Critical Habitat Designation for certain areas around Maui County would impact DWS operations.

Motion: Member Gerbig moved to request the Department of Water Supply review these potential critical habitat designations to see if it will affect their operations and to give a brief report on how and where these operations would be affected.

Second: Member Rust

Discussion: Member Joslin asked if they know if this is not already happening.

Deputy Director Meyer offered to present a report on this to the board before the next meeting.

Vote: Unanimous. Motion carried. The Board has requested a brief report from the department on if and how the U.S. Fish and Wildlife Critical Habitat Designation would affect the department's operations.

At this time, Member Suzuki asked questions about the water billing system, specifically how the charges will be calculated and he gave as an example his own bi-monthly bill. He added that he wasn't complaining but he just wanted clarification on how the monthly bills will be calculated.

The deputy director explained that under the new billing system the meters will be read monthly. It will be "revenue neutral" and it should be exactly half of a bi-monthly bill. So if you were on the fourth tier and are still using a lot of water you'll still be on the fourth tier.

Staff asked if Member Suzuki would like this subject placed on the next agenda for discussion. Member Suzuki replied no, he was satisfied with the explanation given by the deputy director.

2. Member Kamai asked for an update on the Upcountry Meter List, i.e., how many meters have been issued and to whom.

Member Kamai asked Deputy Director Meyer his thoughts on this.

Deputy Director Meyer explained that they are issuing letters to some of the people on the list because right now they have a little bit of room but it is a gradual process. If allowed, the department can share the list of letters with the Board. But before they send out more letters they need to renovate and install new pumps at the Hamakuapoko wells, prepare back-up wells for Pookela well, and do deferred maintenance at the treatment plants.

COMMUNICATIONS

There were no communication items.

DIRECTOR'S REPORT

Update on the Islandwide Water Use and Development Plan After the Public Hearings

Deputy Director Meyer explained that the first step was to have outreach meetings with the community, district by district, to explain the overall process and the department's limitations in terms of their decision-making regarding water. He emphasized that the department is just a water utility; they do not make decisions on in-stream flow, allocation of water rights, pumping limitations and control of aquifer areas. All these are under agencies like the state Water Commission and state Department of Health.

Ms. Pogue stated that the presentation she gave to the Board at a previous meeting is pretty much identical to what was presented at the community meetings. These meetings let the public know that the 4 district Water Use and Development plans have become one plan under the Maui Island Plan, and to reassure them that the public will be involved throughout the entire process.

These meetings were held in Wailuku, Lahaina, Hana, Kihei and Upcountry. Three were held in one week and the others in the following weeks. A tremendous benefit during the first week was the attendance of Lenore Ohye from the state Commission on Water Resource Management. At these meeting Ms. Ohye explained to those in attendance which agency does what and regulates what. Ms. Pogue stated that the water department is not a regulatory agency.

The first meetings were a little rough because there were a lot of upset people and confusion about water, the purpose of the plan and what the plan doesn't does and doesn't do. There is a tremendous misunderstanding about Hawaiian water rights, water rights in general, what can be done and what can't. She will meet with anyone who wants to understand what is going on and any issues and concerns they have about water.

The department plans to have a very rough first draft by this summer. They will try to incorporate everyone's comments into the second draft.

Deputy Director Meyer recognized the great job Ms. Pogue did at those meetings. She was there to carry the burden and lead each of those meetings.

DIVISION REPORT

January Division Reports

Member Suzuki asked for clarification regarding a statement on page 3 about the MECO load shedding requirements. He asked if this is stalled or is someone doing something about it.

Vice Chair Hoxie said he presumed that this is about how the water department shuts off pumping when MECO (electrical) loads are reaching a critical level.

Deputy Director Meyer explained that the Water Department is MECO's largest consumer of electricity on the island. They are in discussion with them about when to turn on the pumps and when not to. The department tries to integrate its operations and pumping to the extent they can to MECO's needs.

Director Taylor added that both water and wastewater may shut down their facilities or try to run on their own generators to take some load off when MECO has some sort of crisis. This has been a long standing cooperative effort between, the power, water and wastewater utilities.

ADJOURNMENT

Before the meeting was adjourned staff reminded the board members to think about volunteering for the chair or vice chair positions. Elections will be held at the next meeting.

Also, the members were reminded to turn in their financial statements.

Vice Chair Hoxie announced that the next meeting is March 21st.

There being no further business the meeting was adjourned at 9:40 a.m.

Prepared by:

Gaye Hayashida
Commission Support Clerk

Approved by:

Dave Taylor
Director