

BOARD OF WATER SUPPLY
COUNTY OF MAUI

REGULAR MEETING
MINUTES OF MAY 16, 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, May 16, 2013.

CALL TO ORDER

The meeting was called to order by Chair William Kamai at 9:02 a.m.

ATTENDANCE

Members present: William Kamai, Chair
Patricia Eason
Donald Gerbig
Robert Joslin
Cyrus Kodani
James Rust
Michael Suzuki
Thomas Watanabe

Excused: John Hoxie, Jr.

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

Audience: Agnes Nolan, Private Secretary
Herb Chang, Engineering Program Manager
Myles Fujinaka, CE VI
Jeff Pearson, CE VI
Jase Miyabuchi, CE V
Fred Tobias, CE V
Tom Ochwat, CE IV
Curt Eaton, CE IV
Kris McPhee, CE III
Piyalerg Kongsil, CE III
Craig Sarsfield, CE II
Pikake Ruiz, Land Use Permit Clerk
Janelle McKee, Land Use Permit Clerk
Pam Pogue, Water Resources and Planning Program Manager
Mel Meleka, Planner VI
Edna Manzano, Planner V
Marti Buckner, Planner IV
Alex Buttarro, Planner III

Others: Rosemary Robbins
Kim Willenbrink, Legislative Analyst, Council's Water Resources
Committee

ANNOUNCEMENTS

None.

APPROVAL OF MINUTES

Minutes of April 18, 2013

Chair Kamai asked for a motion to accept the minutes of April 18, 2013.

Motion: Member Joslin moved to approve the minutes of April 18, 2013

Second: Member Eason

Discussion: None.

Vote: Unanimous. Motion carried. The minutes of April 18, 2013 were approved.

TESTIMONY FROM THE PUBLIC

There was no public testimony.

APPEALS

There were no appeals scheduled for this meeting.

UNFINISHED BUSINESS

None.

OTHER BUSINESS

Presentation by the Department of a Power-point Tour of the Waikamoi Flume and Upcountry Water Systems and Treatment Plants

Tom Ochwat, project engineer for the Waikamoi Flume Replacement Project, gave a presentation on the project to the Board of Water Supply.

- The Waikamoi Flume was built in the 1930's for irrigation and domestic purposes. It was then reconstructed in 1974-75.

- The flume is about 1.1 miles and crosses the Haipuaena and the Puahokamoa streams where it picks up water. There are about 14 gulch crossings that vary in height and depth, from 8 feet to 30 feet.
- EMI and the County of Maui have agreements to maintain the flume and the 17 lateral intakes that feed into the flume.
- The new flume will be in almost the same alignment as the existing flume. The dimensions will be 14" X 27", the same as the existing flume.
- OSHA has determined that the flume in its current condition is too dangerous to traverse.
- Global Specialties is the contractor and they are about 6 months into the 2-year project.
- The contractor has requested a change order to repair the culverts on the access road that were washed out during the last heavy rains. Member Rust asked that the department inform the board of any more change orders.
- Roughly about 40% of the water is being lost to leakage with the old flume.
- The capacity of the new flume will be about 1.1 mgd.
- The entire flume and the supports will be replaced with aluminum. Some of the existing foundations will be re-used.
- Even when the flume is deemed safe access will still be highly restrictive to protect our water source.

Discussion/possible action on the Sunshine Law and the Creation of Investigative Committees by the Board of Water Supply

Deputy Corporation Counsel James Giroux distributed an outline of the Sunshine Law's Investigative Exception. A copy of this has been made a part of these minutes.

Mr. Giroux explained that the board is looking into the possibility of using the investigative exception rule in order get more education and understanding of the county water systems. As long as they follow this procedure they should be well within the bounds of the Sunshine Law.

He further explained that at this meeting the board could have a discussion on the different types of committees that could be formed and even get volunteers for these committees. Once the committees are formed they can then go on and do their work without having to post agendas.

Chair Kamai suggested forming an investigative committee on water tanks, an investigative committee on wells and an investigative committee on plants.

Director Taylor agreed that an investigative committee on treatment plants is a valid one because the 6 facilities are unique. But he would not recommend creating committees that focus on different functions of the treatment plants. He suggested having 2 committees, one for treatment plants and another committee for wells and tanks.

Chair Kamai explained that the board is asked to support the department and yet how many of the board members understand what the function of the water system is. So a better understanding of a typical water system similar to 'lao can only benefit the board members. Hence, the formation of a committee on water and wells or a treatment plant committee.

Motion: Member Gerbig moved to make a list of possible committee subjects that could be selected for future investigative committees at a future meeting.

Second: Member Rust

Discussion: Director Taylor stated that he applauds the formality on what the board is trying to do but he doesn't believe a motion is necessary. If all you want to do is have everyone send in a list and then have a discussion on it, he doesn't believe the board needs a motion to do this. He suggested that the members send their list to Ms. Hayashida in the next 2 weeks who will put together a master list and it will be on the next agenda. The board doesn't need a motion. You can just agree that this is what you're going to do.

Mr. Giroux agreed with the director and stated that as long as there is no objection and there is consensus among the members there is no need for a motion.

The motion was withdrawn by Member Gerbig.

Chair Kamai requested that Ms. Hayashida give the board a list of council committees, past board committees and any suggestions from the board members before the next meeting.

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

1. List of possible committees
2. Appeal No. 12-03
3. Member Rust asked that the department update the board on any change orders the contractor submits for the Waikamoi Flume project

COMMUNICATIONS

There were no communication items.

DIRECTOR'S REPORT

Director Taylor stated that it is business as usual and there is nothing major to report. The biggest thing to happen since the last meeting is the Water Department's budget which has passed out of committee with very minor changes. The 5% rate increase and the doubling of meter impact fees passed without any changes.

The water shortage rates were dropped from the budget because it has not passed out of the Water Resources Committee yet. So it will have to be a budget amendment and the Water Resources Committee will probably take that up later this summer.

The department was looking at having to call an Upcountry Drought Watch but then it rained all weekend giving Upcountry a reprieve of a few weeks, possibly a month. If it doesn't rain again they are looking at a possible drought watch in the next month or two.

The Hamakuapoko wells' final EA FONSI (Findings Of No Significant Impact) was published on May 8th. There is a 30-day period where someone can file a suit to contest it. If that does not happen then they will be on track to have the wells operational by late summer or early fall.

Director Taylor stated that there is no water that is considered safe to drink without some sort of treatment. The Hamakuapoko wells have DBCP contaminants which have been removed by GAC filters down to federal Safe Drinking Water standards. Every drop of water must meet the exact federal drinking water standards. The County of Maui Department of Water DOES NOT decide if water is safe to drink. The department is simply responsible to make sure the water meets the same federal Safe Drinking Water Act standards that apply to every public water system in the country.

The monthly billing is still a struggle. The bugs are being worked out and they are hopeful that things will go a lot faster. The department may have to ask for additional staff next year. The workload has increased due to the doubling of interactions with the public.

There are drop boxes for payments by checks only at the county Service Center. But they are working on credit card payments by phone or online. Most people are used to dealing with online bill payment and they are trying to move in that direction. All of these things should help to process the bills faster.

DIVISION REPORT

March Division Reports

There was no further discussion on this matter.

ADJOURNMENT

There being no further business the meeting was adjourned at 10:36 a.m.

Prepared by:

Gaye Hayashida
Commission Support Clerk

Approved by:

Dave Taylor
Director

Investigative Exception Handout

Investigative Exception

- Two or more, but less than quorum
- A) Scope of Investigation and scope of authority defined at a meeting of the board
- B) All findings and recommendations presented to the board at a meeting of the board; and
- C) Deliberation and decision making on the matter investigated, if any, occurs only at a duly noticed meeting of the board held subsequent to the meeting at which the findings and recommendations of the investigation were presented to the board.