

WATER RESOURCES COMMITTEE
Council of the County of Maui

MINUTES

December 3, 2014

Council Chamber, 8th Floor

CONVENE: 9:02 a.m.

PRESENT: VOTING MEMBERS:

Councilmember Michael P. Victorino, Chair
Councilmember Mike White, Vice-Chair (in 9:10 a.m.)
Councilmember Gladys C. Baisa
Councilmember Robert Carroll
Councilmember Donald G. Couch, Jr.
Councilmember Stacy Crivello
Councilmember Don S. Guzman

STAFF: Kimberley Willenbrink, Legislative Analyst
Raynette Yap, Committee Secretary

Dawn Lono, Council Aide, Hana Council Office
Denise Fernandez, Council Aide, Lanai Council Office (via telephone conference bridge)
Ella Alcon, Council Aide, Molokai Council Office (via telephone conference bridge)

ADMIN.: David S. Taylor, Director, Department of Water Supply
Paul Meyer, Deputy Director, Department of Water Supply
Edward S. Kushi, First Deputy Corporation Counsel, Department of the Corporation Counsel

OTHERS: Lynn McCrory, SVP of Government Affairs, Pulama Lanai

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

CHAIR VICTORINO: ...*(gavel)*... Good morning. The Water Resources Committee meeting of December 3, 2014 will come to order. I would like everyone in the gallery and Members put--oh, I don't even have my cell phone, I left it on the desk, good—to turn off your cell phones or put it on silent mode, and decorum will be conducted in the Chamber at all times. Let me introduce the Members that are here this morning. First of all, myself, the Chair, Michael Victorino, I'd like to introduce the lovely young lady from Upcountry, Ms. Gladys Baisa, our Chair.

COUNCILMEMBER BAISA: Good morning, Chair.

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CHAIR VICTORINO: Good morning. And then our Vice-Chair, the gentleman from East Maui, Mr. Robert Carroll.

COUNCILMEMBER CARROLL: Good morning, Chair.

CHAIR VICTORINO: Good morning. And the handsome one from South Maui, and I'll give him that, Mr. Don Couch.

COUNCILMEMBER COUCH: Good morning, Chair.

CHAIR VICTORINO: Alright. Where's the festive mood? Come on guys, we gotta be a little bit more celebrant. Come on, you guys all sound like you wanna go somewhere. And, of course, the pretty young lady from the island of Molokai, Ms. Stacy Crivello.

COUNCILMEMBER CRIVELLO: Aloha and good morning, Chair.

CHAIR VICTORINO: Aloha. And of course, the young one, the handsome one from Central Maui, Mr. Don Guzman.

COUNCILMEMBER GUZMAN: Good morning, Chair...

CHAIR VICTORINO: Good morning. I'm glad to see all of you here. I guess our Vice-Chair, Mr. White, will be joining us a little bit later. None of the non-voting Members are here so I won't be introducing them. From the Administration, Deputy [sic] Corporation Counsel, Mr. Ed Kushi.

MR. KUSHI: Good morning.

CHAIR VICTORINO: Good morning. And our Committee Staff, our invaluable Committee Staff, Ms. Kim Willenbrink, our Legislative Analyst.

MS. WILLENBRINK: Good morning, Chair.

CHAIR VICTORINO: And Raynette Yap, our Committee Secretary. Good morning, ladies. From our district offices, and I'll check at this time that they're connected, let's start off with our Hana Office, Dawn Lono. Dawn, are you there?

MS. LONO: Yes, good morning, Chair. This is Dawn Lono at the Hana Office.

CHAIR VICTORINO: Good morning, Dawn. From our Lanai Office, Denise Fernandez, Denise, are you there?

MS. FERNANDEZ: Good morning, Chair. This is Denise Fernandez on Lanai.

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CHAIR VICTORINO: Good morning. And our lovely lady from Molokai, Ms. Ella Alcon, Ella, are you there?

MS. ALCON: Good morning, Chair. This is Ella Alcon on Molokai.

CHAIR VICTORINO: Thank you. And before we get started, I want to wish everyone a Mele Kalikimaka and Hauoli Makahiki Hou early because I'll forget later on. And I wanna wish everybody a safe holiday season. You know, again, you know, the time we're out there now with the hustle and bustle, let's watch our keiki, you know, they're out on the streets, too. They'll be getting out of school very shortly and very important we keep notice on them. Plus, all these holiday shoppers, they're gonna be running across streets and going between cars full of presents and not paying attention so exercise safety, drive safely and don't drink and drive; that's my message to all. Thank you very, very much. Okay, public testimony. Public testimony will be limited to three minutes. We have a number of agenda items, so if anybody wants to speak on any agenda item, they'll be welcome to speak upon it. After three minutes, one minute to conclude. When the yellow light comes on, you have one minute to finish. Please state your name and any organization you'll be representing. And so, without objection, I will start public testimony.

COUNCIL MEMBERS: No objections.

CHAIR VICTORINO: Thank you. Let me start with the district offices first and foremost. Hana, Dawn, do you have anyone that wishes to testify?

MS. LONO: The Hana Office has no one waiting to testify, Chair.

CHAIR VICTORINO: Thank you. Lanai, Denise, do you have anyone wishing to testify?

MS. FERNANDEZ: The Lanai Office has no one waiting to testify.

CHAIR VICTORINO: Mahalo. And Molokai Office, Ella, do you have anyone wishing to testify?

MS. ALCON: There is no one here on Molokai waiting to testify.

CHAIR VICTORINO: Thank you, ladies. And do we have anyone in the gallery that wishes to testify, Raynette or...

MS. YAP: No, Chair.

CHAIR VICTORINO: No one wishing to testify. And looking at the gallery and seeing just one person, and she has decided that she doesn't want to testify. With no objections, I'll close public testimony.

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COUNCIL MEMBERS: No objections.

COUNCIL MEMBERS VOICED NO OBJECTIONS. (MV, GB, RC, DC, SC, DG)

CHAIR VICTORINO: Thank you very much. Thank you, ladies, and have a happy holiday season, ladies. I got the button so we're good. Okay. We have a number of items that, today, we'd either like to refer or to file so that we can move on to the next session. For all intents and purposes this morning, ladies and gentlemen, will be the last Water Resources Committee meeting for this term. And this will also be my last meeting as the Chair of the Water Resources Committee. I've been honored and very, very thankful for the years of service that I was able to put forward with this Committee. And I wanna thank, first of all, the public, because the public and the working groups and others that have been here as concerned citizens throughout this term and the terms prior to this have been invaluable for us to achieve what we have been able to achieve. And I wanna also thank all the different working groups, especially the Ag Working Group and others that have come forward with their manao to help us do a better job in making sure water needs in this community and this County were taken care of. I wanna also give a special shout out to Mr. David Taylor who happens to be sitting in the gallery this morning--he doesn't want to sit up front, but, you know, he's always welcome to sit up front--Mr. Taylor and his administration for all their hard work and helping us put together, what I call, a lot of positive changes in our water codes and in our water budgetary issues, yeah. I want to thank him very, very much. In fact, I want to thank all the directors that I was able to work under starting in the Board of Water Supply when I worked under Mr. Craddick, then Mr. Tengan, Mr. Eng, and now Mr. Taylor. I've been fortunate to have worked in the last 13 years with four Board of Directors...four Directors of the Department of Water. And each one of them brought their own manao, brought their own strengths, brought their desires to do a good job for the people of Maui County; and I can tell you, the people of Maui County have been served very, very well. The other thing I'd like to thank is you, the Members, because many of you sat here...especially Ms. Baisa, she's been here since day one, and I think that's the only one I can look at...she's been here since day one when you and I walked in this room some eight years ago, green behind the ears. You had more experience 'cause you've always been around this Chamber for various reasons; but I came in thinking I knew a lot, and when I walked in and sat on that chair, I found, *whoops*, there's a lot to be learned. And I thank you guys all for being so patient, you know, I think that's the other thing I wanna say is mahalo for being patient, 'cause, at times, I could be a bear when I wanted something to be...something to be completed and I really, really wanted it done. But you guys all were very helpful and gracious about getting it done, and so the people of Maui County are in a better place today as far as water issues are concerned than I can say they were eight years ago when we walked in, Madam Chair. And I thank you very much for all your help, too. And in fact, next term, with the good Lord's will, you'll be the Chair and you'd be sitting here and I'll be sitting there looking at you. And, you know, I'll do what I can to help you, but I know you'll do a fabulous job, also. And in closing I'll say this, eight years, two as Vice and six as the Chair, we've come a long way. We've been able to codify all the rules from the Board of Water Supply to the Council and the Administration. We were able to get a lot of CIP projects that had long been overdue like Waikamoi and others on the books. We were able to get other ag rates and other ag issues taken care of and hopefully we'll expand more with what

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Mr. Guzman is doing next term. But, more importantly, I think today the water system and the Water Department is in better shape than when we came in eight years ago. Now, not to say we've solved all the problems, and we still a lot more. But I'm proud to say that I was thankful for all the help from everyone to make this possible. And when I look around and I see where we're at and that we're not like Oahu with main breaks every day and having water shortages and water problems every place in this County, I gotta thank all of you because you put the effort and also the money to get these things done. And I'd like to take a moment to recognize our Vice-Chair, Mr. White, Mr. Mike White for --

COUNCILMEMBER WHITE: Good morning, Chair.

CHAIR VICTORINO: --joining us. Thank you very, very much.

COUNCILMEMBER WHITE: Thank you.

CHAIR VICTORINO: So I think I've said enough. Now, I'm going to get into what are we gonna do. First of all...no, hang on one second. I had...what happened to my list? Thank you. I had a list where I knew exactly what I was going file and...okay, alrighty. Okay. First of all...you know what? I'm gonna take a two-minute recess. . . .(gavel). . .

RECESS: 9:11 a.m.

RECONVENE: 9:13 a.m.

CHAIR VICTORINO: . . .(gavel). . . The meeting of the Water Resources Committee, December 3, 2014 will reconvene, thank you very much.

COMMUNICATIONS FOR REFERRAL TO THE COUNCIL CHAIR FOR THE TERM BEGINNING JANUARY 2, 2015, PURSUANT TO RULE 23 OF THE RULES OF THE COUNCIL

Ladies and gentlemen, what I'd like to do is entertain a motion to refer the following items to the next Council, and it would be County Communication for referral to the Council Chair for the term beginning January 2, 2015 in pursuance to Rule 23 of the Rules of the Council. There are six items in today's agenda that would normally be automatically filed in pursuance to Rule 26 [sic] of the Council Rules. Now, I would like to read off the six that will be...I'm asking you to refer to the next Council. WR-12, the Optimizing the Investment of Countywide Mainline and Water Infrastructure Improvements; WR-14, Categories of Agricultural Water Rates; WR-16, Establishing a Lanai Water Advisory Committee by Ordinance; WR-17, Water System Development Fee Adjustments; WR-21, Waiver of the Minimum Gross Requirement for Agricultural Water Rates...Gross Income, excuse me; and finally, WR-27, Access Through the Hans Michel Property for the Maintenance and Operation of the Kahana [sic] Valley Stream. Those are the six that I would like to recommend for referral.

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VICE-CHAIR WHITE: So move, Chair.

COUNCILMEMBER COUCH: Second.

CHAIR VICTORINO: It was moved by Vice-Chair White and seconded by Member Couch. Any discussion? Yes, Madam Chair?

COUNCILMEMBER BAISA: Thank you very much, Chair. Would you mind sharing with us at least a sentence or two about why you want to move these forward?

CHAIR VICTORINO: Okay. Well, okay. Well, first of all, we go to WR-12, we have never been able to work on the finalization of the \$12,600,000 investment in Countywide mainlines and water infrastructure improvements that we put in for the Fiscal 2015 Year, so that's a carryover. We also haven't finished the matter of Categories of Agricultural Water Rates for the Fiscal Year 2015. For the Lanai Water Advisory, we've just never been able to finish it and they're still working on it, and I would like to give them an opportunity to finalize that and come back to us next year with their plan, both Lanai...the Pulama Na Leo [*sic*] company and as well as the Lanai...oh shoot, my mind...the advisory group, that advisory group, the Citizens [*sic*] for Sensible Growth, thank you. It just took me awhile, sorry. The Water System Development Fee Adjustments, that was done, again—remember?—we asked to reduce the fees, we took it down from 12,000 to 6,000 and we've not been able to work on that criteria and how we would develop that system. And then the minimum gross income, which was referred by me, to look at the agricultural water rates and income requirements, 'cause right now it's a \$1,000 and there's been discussion that we may take a look at it. And Hans Michel is really to allow us to continue working with him and access to his property to go up to our Kahana [*sic*] intake in the Kahana [*sic*] Valley intake. So that's the six that were automatically...or wanting to be referred to the next Council.

COUNCILMEMBER BAISA: Thank you very much, Chair. I appreciate that. I think it's important for us to realize why we are gonna carry these forward, thank you.

CHAIR VICTORINO: Thank you, Madam Chair, and I apologize for not getting more details. I truly apologize to you and the public. Any other questions? Seeing none, all those in favor, say, "aye"?

COUNCIL MEMBERS: Aye.

CHAIR VICTORINO: Opposed? Let the record show seven "ayes", no "nays"; and thank you very much.

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VOTE: AYES: Chair Victorino, Vice-Chair White, Councilmembers Baisa, Carroll, Couch, Crivello and Guzman.

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: None.

MOTION CARRIED.

ACTION: Recommending REFERRAL of WR-12, WR-14, WR-16, WR-17, WR-21 and WR-27 to the Council Chair for the term beginning January 2, 2015, pursuant to Rule 23 of the Rules of the Council.

CHAIR VICTORINO: The rest of the items that are on here will automatically be filed, and not to say that these could not be reintroduced. Do you want me go through those, too, Madam Chair, the ones that we're gonna file?

COUNCILMEMBER COUCH: They're not on the...

COUNCILMEMBER BAISA: Maybe I think that's a good idea, thank you.

CHAIR VICTORINO: Go through it?

COUNCILMEMBER BAISA: Yeah.

CHAIR VICTORINO: Okay, alright. I'll do that, I have no problem.

COUNCILMEMBER COUCH: Point of order?

CHAIR VICTORINO: Yes, sir?

COUNCILMEMBER COUCH: They're not listed on the agenda, so we can't talk about 'em.

CHAIR VICTORINO: Is that true?

MS. WILLENBRINK: Counselor?

COUNCILMEMBER BAISA: Can we get an opinion?

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CHAIR VICTORINO: Because that's on my master list, but go ahead Mr. Kushi. He's bringing a point of order that because we did not list 'em on the agenda, we cannot discuss it. Well I guess not discuss it, but talk about it; and, you know, 'cause I was just gonna say what's gonna be filed.

MR. KUSHI: It's usually point of orders are done by the County Clerk, but he's not here.

CHAIR VICTORINO: Okay.

MR. KUSHI: Mr. Couch has a good issue, good question. Although it's not listed, I think with the majority vote of the body, you may discuss it, but you can't take any action on it.

COUNCILMEMBER COUCH: Good.

CHAIR VICTORINO: And I think we weren't gonna take any action, but so I will entertain a motion that we be allowed to at least bring forward and...what do you call that?

COUNCILMEMBER COUCH: Consensus.

CHAIR VICTORINO: Consensus. Oh, is consensus alright with everyone?

COUNCILMEMBER COUCH: Yeah.

CHAIR VICTORINO: Okay. No, that's fine. So going real quickly through the ones that we intend to file: WR-2, Watershed Management within the County of Maui; and WR-9, the Water Use Reports; WR-10, Na Wai Eha and East Maui Resources; WR-13, Contract WC0701 Consulting Services for the Hamakuapoko Wells 1 and 2, Pumps and Water Mains Environmental Assessment—these have been completed so that's why we're filing these—WR-15, the Lanai Water Acquisition Appraisal--which I think we've all, you know, kind of decided a long time ago we weren't gonna bother with that one—and that's it. Oh, WR-22, the Waikamoi Flume Renovations, we had that report; and WR-28 was Water Availability Policy which we completed. So, ladies and gentlemen, those are the ones that we're going to file.

COUNCILMEMBER BAISA: Thank you.

CHAIR VICTORINO: Okay? Anything else? Okay. Then, if there's nothing else, I will also like to thank all of you for being here. I know there's other things we can be doing. We all know that our NACo Board and the NACo Transportation Symposium is starting today; and they're out there on the mobile workshops, so I don't know if any Members will be able to join them. I think the rest of the day is free for you folks, so if you can join them, fine, I'll see you guys down there tonight. Yes, Madam Chair?

COUNCILMEMBER BAISA: I think we have a meeting this afternoon, don't we?

CHAIR VICTORINO: No, Land Use canceled?

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COUNCILMEMBER BAISA: Land Use canceled?

CHAIR VICTORINO: Yeah.

COUNCILMEMBER BAISA: Ok, good. So we are free.

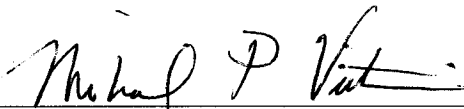
CHAIR VICTORINO: Yes, Madam Chair.

COUNCILMEMBER BAISA: Free at last, thank you.

CHAIR VICTORINO: Oh no, Martin Luther King. Oh, I got that one, I got it, I got it. Anyhow, to you and to the public again, Mele Kalikimaka and Hauoli Makahiki Hou and I wish everyone a safe holiday season. And as the final meeting as the Chair of the Water Resources Committee, again, I say mahalo to everyone. Thank you, Mr. Taylor back there, I appreciated you; and all of you for what you've done. And I'll give anybody a chance to say anything they want, if not, I'll adjourn the meeting. Staff, also, we gotta thank the Staff. Ms. Willenbrink and Ms. Yap, thank you very much. But I felt kinda, you know, at times I felt kind of out of place because they kept changing secretaries on me. I must've been really mean to the secretaries, 'cause I've had four secretaries in one term. I wasn't sure who was on first, what's on second, I don't know's on third, right? But no, thank you very, very much. Any comments? If not, seeing none, this meeting of the Water Resources Committee, December 3, 2014 is adjourned. . . .(gavel). . .

ADJOURN: 9:21 a.m.

APPROVED:



MICHAEL P. VICTORINO, Chair
Water Resources Committee

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Transcribed by: Raynette Yap