

BOARD OF WATER SUPPLY  
COUNTY OF MAUI

REGULAR MEETING  
MINUTES OF JANUARY 21, 2016

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 Wednesday, December 17, 2015.

CALL TO ORDER

The meeting was called to order by Vice Chair Joslin at 9:08 a.m.

ATTENDANCE

Members present: William Kamai, Chair  
Robert Joslin, Vice Chair  
R. Raymond Cabebe  
Cyrus Kodani  
Anders Lyons  
Michael Suzuki  
Loren Tilley  
Thomas Watanabe

Staff present: Dave Taylor, Director  
Edward S. Kushi, Jr., First Deputy Corporation Counsel  
Jennifer Oana, Deputy Corporation Counsel  
Gaye Hayashida, Commission Support Clerk

APPROVAL OF MINUTES

Minutes of November 19, 2015

Vice Chair Joslin asked for a motion to approve the minutes of November 19, 2015 as submitted.

Motion: Vice Chair Joslin moved to approve the minutes of November 19, 2015 as submitted.

Second: Member Suzuki

Discussion: None

Vote: Unanimous. Motion carried. The minutes of November 19, 2015 were approved as submitted.

### TESTIMONY FROM THE PUBLIC

There was no public testimony.

### OTHER BUSINESS

#### Discussion regarding the Watershed Protection Partnership's power point presentation at the Council's Water Resources Committee meeting of November 18, 2015

Member Lyons suggested having one of the watershed conservation groups come and give a short presentation on the work that they are doing. This could be done once a quarter or every 6 months with a different group each time.

Director Taylor stated that staff can work with the Water Resources division head on this. He added that Water Resources staff can contact the various groups since they deal with them on a regular basis.

#### Discussion and possible action regarding the Board's draft letter supporting the proposed agriculture water rates ordinance

The Board reviewed the draft letter, the original proposed ordinance and the revised proposed ordinance.

Vice Chair Joslin stated that he does not like the use of the word "or" as in the sentence "...reduce the subsidy to 60% OR \$2.00 per 1,000 gallons..." adding that when the Board was drafting this bill they were trying to get away from dictating hard dollar amounts because if there is a future rate change an "or" can hurt you. It needs to be 60% or it needs to be \$2.00.

Mr. Kushi suggested that perhaps after the percentages you could insert between parentheses the dollar amount per 1,000 gallons. This way you are giving an example of what the rate is now.

Director Taylor strongly recommended that when this proposed ordinance comes before the Council, a board member should be present at that meeting because this is a board initiated policy and not a department initiated policy.

The chair called for a 5 minute recess at this time.

When the meeting reconvened Vice Chair Joslin and Members Cabebe and Lyons suggested some changes to the draft letter.

Director Taylor stated that Deputy Corporation Counsel Jennifer Oana is present and she can speak on the revisions that were made to the proposed ordinance which were mainly to conform to form and legality.

Ms. Oana explained that part of the definition of agricultural consumer relating to minimum gross annual income was taken out because the chart in Section 2B describes how much the agricultural consumer will get depending on their annual gross income. Though it still goes hand in hand with 14.10.010 which describes an agricultural consumer as a consumer that actively engages in all those agricultural activities and who may then qualify for subsidized ag water rates if they fall into these categories and meet the minimum annual gross income.

Ms. Oana noted that on the 2nd page of the proposed ordinance some “housekeeping” language was added. See attached pdf.

Chair Kamai instructed the members to submit their changes of the draft letter to Ms. Hayashida and she will compile the changes and distribute to the members in their packet before the next meeting.

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

1. Watershed Partnership presentation
2. Draft letter supporting the proposed agriculture water rates ordinance

#### DIVISION REPORTS

##### Update on the Upcountry Meter List

The director reminded that Board that Council passed a bill giving a second chance to people who were offered meters in the past but declined. They have right now a dozen letters and staff is working to send out the first 20 letters. He believes there are about 50 letters that have to go out under this new bill.

##### November Division Operational Reports

Director Taylor stated it is business as usual and there is nothing major to report as far as operations go.

A couple of senior staff members are retiring and he anticipates this is what will be going on for the next 5 years at least. He predicts the department will be struggling with production as they keep losing key senior oeioke, But what is also happening is water department staff being recruited by other departments and recruiting for these vacancies is taking a long time due to civil service hiring procedures.

#### ADJOURNMENT

At this time Chair Kamai reminded the board members to fill out and return to staff the “County of Maui Volunteer Consent & Hold Harmless Agreement Form for Operating County Vehicles Or Personal Vehicles For Official Business”.

The meeting was adjourned at 10:08 a.m.

Prepared by:

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Gaye Hayashida  
Commission Support Clerk

Approved for distribution:

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Dave Taylor  
Director

PROPOSED ORDINANCE AMENDING CHAPTER 14.01 AND 14.10, MAUI COUNTY  
CODES

ORDINANCE NO. \_\_\_\_\_

BILL NO. \_\_\_\_\_ (2015)

A BILL FOR AN ORDINANCE AMENDING  
CHAPTERS 14.01 AND 14.10, MAUI COUNTY CODE, RELATING  
TO WATER RATES FOR AGRICULTURAL CONSUMERS

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Section 14.01.040, Maui County Code, is amended by amending the definition of "Agricultural consumer" to read as follows:

"Agricultural consumer" means a consumer that actively engages in crop production, livestock raising, dairy farming, or aquaculture for commercial production[, and whose minimum gross annual income from such activities is \$1,000]."

SECTION 2. Section 14.10.010, Maui County Code, is amended by amending subsection B to read as follows:

"B. Agricultural consumers may qualify for agricultural water rates[.] according to the agricultural consumer's gross annual income from crop production, livestock raising, dairy farming, or aquaculture for commercial production for the period preceding the date of the application for agricultural water rates as follows:

<u>Gross annual income:</u>	<u>Water rates for agricultural consumers for consumption over 15,000 gallons per month</u>
<u>\$1,000 to \$5,000</u>	<u>300 percent of the agricultural water rate as stated in the budget</u>
<u>\$5,001 to \$12,000</u>	<u>200 percent of the agricultural water rate as stated in the budget</u>

PROPOSED ORDINANCE AMENDING CHAPTER 14.01 AND 14.10, MAUI COUNTY  
CODES

<u>\$12,001 and over</u>	<u>The agricultural water rate as stated in the budget</u>
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Each consumer requesting an agricultural rate for water service shall submit an annual written application to the department attaching the following documentation, if applicable, regarding their product or service:

1. A copy of the consumer's filed State of Hawaii, Department of Taxation, General Excise, Use Tax Revenue, Form G-45, for the period preceding the date of application[;].
2. A copy of consumer's filed Internal Revenue Service, Profit or Loss From Farming Schedule F[; and].
3. A description of the commercial agricultural operation that includes:
  - a. The type of commercial operation[;].
  - b. The anticipated monthly water usage[;].
  - c. The age of the crop or stock, if applicable[;].
  - d. A five-year timeline of projected annual gross income[; and].
  - e. A site plan demarcating the commercial agricultural operation, landscaping, grassy areas, dwellings and other structures, and irrigation system."

SECTION 3. Material to be repealed is bracketed. New material is underscored. In printing this bill, the County Clerk need not include the brackets, the bracketed material, or the underscoring.

SECTION 4. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM AND  
LEGALITY:



JENNIFER M.P.E. OANA  
Deputy Corporation Counsel  
County of Maui  
2015-08-27 Ordinance Tiered Ag Water Rates  
2015-4293