

WATER RESOURCES COMMITTEE

Council of the County of Maui

MINUTES

September 14, 2016

Council Chamber, 8th Floor

CONVENE: 9:02 a.m.

PRESENT: VOTING MEMBERS:
Councilmember Gladys C. Baisa, Chair
Councilmember Michael P. Victorino, Vice-Chair
Councilmember Robert Carroll
Councilmember Don Couch
Councilmember Stacy Crivello
Councilmember Mike White (in 9:12 a.m.)

EXCUSED: VOTING MEMBERS:
Councilmember Elle Cochran

STAFF: Kimberley Willenbrink, Legislative Analyst
Clarita Balala, Committee Secretary

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

ADMIN.: David Taylor, Director, Department of Water Supply
Jase Miyabuchi, Civil Engineer, Department of Water Supply
Jennifer M.P.E. Oana, Deputy Corporation Counsel, Department of the Corporation Counsel

Seated in the gallery:

Wendy Taomoto, Engineering Program Manager, Department of Water Supply
Derek Takahashi, Civil Engineer, Department of Water Supply

OTHERS: Richard H. Pohle, UMLA
Annette Niles
Jim Smith
Tom Croly
Sherman Dudley DePonte
Rosemary Robbins
(2) additional attendees

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

CHAIR BAISA: . . .*(gavel)*. . . Will the regular meeting of the Water Resources Committee please come to order. Today is Wednesday, September 14, 2016, and it is approximately a couple minutes after 9:00 in the morning. The meeting is now in order. I'd like to ask you if you would please check your cell phones to make sure that they are on the silent mode here to be sure that we won't have any interruptions. I'd like to introduce the voting Members that are here this morning. My Vice-Chair, Mike Victorino.

VICE-CHAIR VICTORINO: Good morning, Madam Chair.

CHAIR BAISA: Good morning. We have Mr. Bob Carroll.

COUNCILMEMBER CARROLL: Good morning, Chair.

CHAIR BAISA: Good morning. And we have Mr. Don Couch.

COUNCILMEMBER COUCH: Good morning, Chair.

CHAIR BAISA: Good morning. And joining us in just a few moments will be Stacy Crivello. Good morning, Ms. Crivello.

COUNCILMEMBER CRIVELLO: Good morning.

CHAIR BAISA: And excused this morning because she got caught up in the blocking of the Pali last night and I don't know where she's camping is Elle Cochran, is excused and I think that's the entire membership of my Committee. We also have with us this morning Dave Taylor, the Director of Water Supply.

MR. TAYLOR: Good morning, Chair.

CHAIR BAISA: Good morning. And Jen Oana, our Deputy Corporation Counsel.

MS. OANA: Good morning, Chair.

CHAIR BAISA: Good morning. And of course my Committee Staff we have Kim Willenbrink, our Legislative Analyst and we have Clarita Balala, our Committee Secretary. And in our District Offices we have Dawn Lono in Hana, Denise Fernandez in Lanai, and Ella Alcon on Molokai.

VICE-CHAIR VICTORINO: Good morning.

CHAIR BAISA: Members, we have two important items on our agenda today and our first item stems from a presentation we had recently related to the Upcountry water meter priority list and the second item relates to backflow prevention. Before we get into our

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agenda any further this morning, the Chair is going to take a point of personal privilege and I'm going to ask our Water Director to update us on the water emergency situation that is going on here as a result of the crazy rain we had last night. Mr. Taylor?

MR. TAYLOR: Thank you.

COUNCILMEMBER COUCH: Press the mic.

CHAIR BAISA: It's on. Green, green.

COUNCILMEMBER COUCH: It's got to be green.

CHAIR BAISA: Got it.

MR. TAYLOR: Thank you, Madam Chair. So obviously this is on TV so today's date is September 14. It's 9:00 in the morning so this is an update about what happened last night through this morning. Right now in all of Central and South Maui there is a boil water notice. So everyone in Central and South Maui, this is from Waihee to Paia, Wailuku, Kahului, Maalaea, Kihei, all the way down to Makena, everyone in all of those areas needs to boil water until further notice. Just boil before they drink it. It's fine to shower with, but any food preparation should be boiled before that food preparation. Boil...water needs to be held at a boil for three minutes before you ingest it. If you're going to brush your teeth, you know, obviously let it cool first. This boil water notice will go on probably until at least noon tomorrow because where we have crews sampling right now but these tests have to be run overnight because there's bacteriological studies that have to be done and we have to wait for the results. So the earliest the boil water notice will be lifted in Central and South Maui is tomorrow late morning or noon. If there's positive results it may go on even longer. So please follow the County website, wait until you hear the press releases. We'll be very vocal about this but it's important to boil water. Anyone who has ice that was made automatically please dump that ice, do not use it. The root of this cause, I'm sure probably most people saw the Wailuku Stream or formerly known as Iao, Wailuku River, formerly known as Iao Stream ran really, really full last night. That usually runs at around 100 million gallons a day. Before the USGS system went offline it was at 3 billion gallons a day. I was up there last night and it was flowing up to the bridge at Kepaniwai. I'm sure you'll see video later, Kepaniwai Parking Lot is washed out, cars got washed away. So we have a pipeline from a tunnel past the Nature Center. There is a sealed tunnel and we have a pipeline hooked up to that tunnel, or we did have a pipeline hooked up to that tunnel that went directly into our ultraviolet system and then into our system. So we hiked up there, so last night at around eight o'clock, that system all of a sudden started registering super low water. So we thought probably the pipe broke. So we shut off the system, Iao Valley Road from Kepaniwai to the fork in the road has had no pressure since nine o'clock or so last night, it's still off. We hiked up there at first light this morning, we hiked up the riverbed and the whole bank is gone, the pipe is gone. There's, I don't know I would estimate at least 500 meters of just ground that's just gone. The trees are gone, the boulders are gone, it's

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just it's all gone. The pipe is gone, even the tunnel was physically damaged. So that's about a half-a-million-gallon-a-day source that is offline until further notice. So that was, almost certainly what happened is that dirt got into the system, it came into the main tank, the tank you see at the fork in the road to Wailuku Heights, and that is the centerpiece of the whole system. So dirt got into the system from the heavy rain breaking a pipe. And crews are out right now flushing the whole system, crews are out sampling the system. So again, until we can get the whole system cleared and get all the testing done the boil water notice will continue. So that is again, will certainly continue until at least late morning or tomorrow afternoon and we'll keep everyone informed. We don't know, we also have some treatment plants down all across the County because there's a lot of, the rains were so hard that a lot of the dirty water came in and blinded the filtration equipment. So those are shut down so we have some various conservation notices here and there. So I just ask people to please pay attention to their news or the County website. We'll keep updating those, and we do not know, what we don't know yet is whether or not there's any damage to Wailuku Water Company's intake above the Nature Center. That is the source of our Iao Treatment Plant water and also the source of water for other people. So I was on the phone with them this morning, the water is still too high for them to get back there and we couldn't hike that far back this morning, it was still too high. So more to come but we're still in damage assessment and I'm sure you'll see pictures soon of Kepaniwai and the area above it. It just looks like a giant took a trowel and just cleared the whole area out, it's unrecognizable. So that's the root of our problems. We'll keep people informed but it's important again, boil water for three minutes before using it to make food or using it for any drinking purposes until further notice. That ends my report of where we are right now, Madam Chair.

CHAIR BAISA: Thank you very much, Mr. Taylor. And I'm assuming also that bottled water is an alternative?

MR. TAYLOR: That's correct.

CHAIR BAISA: Okay. Members, any questions? Mr. Couch?

COUNCILMEMBER COUCH: Madam Chair, if at all possible, can I kind of request through *Akaku* to play that section over and over again today on their channel? They're hearing this now so I'm just asking that, and then that he repeat some of this at the very end of the meeting in case people come, tune in late?

CHAIR BAISA: I don't have any problems --

COUNCILMEMBER COUCH: Thank you.

CHAIR BAISA: --with that if you Members don't. Mr. Taylor, any concerns about repetition?

MR. TAYLOR: No. I can repeat that, and that's fine. I would just say that watch the time because there will be updates and I'm just concerned that people, there's new updates and people are hearing this as the status. So I would just check, the County website

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is being updated with these kinds of things. That's probably the single best place to get the latest information.

CHAIR BAISA: Are you okay, Mr. Couch? Mr. Victorino?

VICE-CHAIR VICTORINO: Yeah, thank you, Chair. And this is a classic example of how well --

CHAIR BAISA: Use your mic. I can hardly hear you.

VICE-CHAIR VICTORINO: I'm on mic.

CHAIR BAISA: I can't...it's not that good. Get closer. It's not coming through.

VICE-CHAIR VICTORINO: . . .*(blows on mic)*. . .

CHAIR BAISA: There you go. There you go.

VICE-CHAIR VICTORINO: I just wanted to make sure. That's a very rarity that you cannot, in fact I'm told I'm too loud. This is a good example of how this Department responds to a real emergency. Last night we got the alerts but this morning when I was out by the Wailuku River I could see the extreme length and height of the water that I've never seen in many, many years, and this is down by Happy Valley, Madam Chair. Now the other thing is the crews were out there working and I saw them by the Iao Treatment Plant when I came down. So I can say firsthand that these, our Department responds expedientially [*sic*] and very expediently to these emergencies. So I want the public to hear that also and that to heed their warnings. It's very, very important to heed the warning and most importantly, Madam Chair, is that we expect more rain in the next few days as heavy or heavier than we've had. So we can expect more challenges. So be prepared and that's all we can say is be prepared. If you don't have to go out, don't be going out and try not to use water whenever water is not necessary. The good news, Mr. Taylor, if we lose half a million gallons right now, well, a lot of people are not watering yards and irrigation systems are closed off. But in the next few days after this big rain has passed, who knows? So thank you, Mr. Taylor, for the update and I agree with Mr. Couch if that can be repeated at the end of the meeting that will be nice and for people to heed all the warnings that are out there. The radio has been broadcasting it this morning, it's on *Akaku*, it's on all the websites I saw this morning, Department of Water and emergency system from the County of Maui. So thank you, Mr. Taylor, and thank you, to the Department and all the hardworking people that are out there. And to couple everything off finally there's a water break right down here on Lower Main Street and here's all that brown water flowing down the road and my wife says, aye look the brown water came from Iao. I said no, mom, that's a water main break. Thank you.

CHAIR BAISA: Thank you, Mr. Victorino. I saw that too and I wondered, I said, oh my God, it's really bad it's all the way down here. But anyway, Mr. Taylor, you wanted to say something?

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MR. TAYLOR: Oh, one thing I forgot in my update, so Iao Valley residents between Kepaniwai and the fork in the road have no water at all right now. Crews are flushing the system. Probably by lunchtime or so, that should be re-pressurized. That will still be under boil water notice. So there are water trucks, if they're not there they should be there soon where people can get water in Iao Valley. But that water should be back on around noon time or so.

CHAIR BAISA: Thank you very much. And, you know, this brings to light something that I hear in my house a lot. You know my husband is a retired Water Department employee and he always used to tell me you folks talk about, you know, first responders and people that are really important in emergency. Nobody ever talks about the Water people. But here we go, we celebrate them today and thank you very much for putting yourselves in danger and being out there to get the water back. I'd also like to recognize the presence of Chair White.

COUNCILMEMBER WHITE: Good morning, Chair.

CHAIR BAISA: Good morning, and thank you for being here. Okay. Members, if you have no objections, I'd like to start with taking public testimony.

COUNCILMEMBERS: No objections.

CHAIR BAISA: Okay. We will proceed. Testimony will be limited to the items on our agenda today. If you wish to testify, please sign up at the desk located on the 8th Floor lobby or at one of the District Offices. Testimony is limited to three minutes, and upon request one minute to conclude. At three minutes the light will turn yellow and at four minutes the light will blink red. If you are still talking at that point, I will kindly ask you to stop. When testifying, please state your name and who you are representing if anyone or a group. We have established a connection to the District Offices and to be fair we will rotate through each of the sites. Hana Office, Dawn Lono, do you have anyone wishing to testify?

MS. LONO: Good morning, Chair. This is Dawn Lono at the Hana Office and I have no one waiting to testify.

CHAIR BAISA: Thank you very much, Dawn, and good morning. In our Lanai Office, Denise Fernandez, good morning. Do you have anyone wishing to testify?

MS. FERNANDEZ: Good morning, Chair. This is Denise Fernandez on Lanai and there is no one waiting to testify.

CHAIR BAISA: Thank you, Denise. In our Molokai Office, good morning, Ella Alcon. Do you have anyone wishing to testify?

MS. ALCON: Good morning, Chair. This is Ella Alcon on Molokai and there is no one here waiting to testify.

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CHAIR BAISA: Thank you very much, Ella. There apparently are no folks in the District Offices so we'll begin with testimony here in the Gallery. Ms. Willenbrink, if you'd call the testifiers?

MS. WILLENBRINK: Yes, thank you, Chair. Our first person signed up to testify is Dr. Richard Pohle, and he will be followed by Annette Niles.

. . .BEGIN PUBLIC TESTIMONY. . .

CHAIR BAISA: Good morning, Dr. Pohle.

MR. POHLE: Good morning. I am Richard Pohle, protea farmer at 4,000 feet on Crater Road just about as high as you can get. And I thought it appropriate to bid aloha to, since I've testified so many times, to Chair Baisa and Vice-Chair Michael Victorino. It is also appropriate for me to grade you on your performance and this Committee's performance so I have some numbers. In 2008, my parcel was number 675, in 2015 it advanced 160 places, it is 515 except there are 27 parcels ahead of me because of ordinances which are good. So that means I've moved up 133 positions. Things have improved towards the end. May 15, 2014 to November 30, 2015 which is 17 months it moved up 55 slots, that is 39 per year, far slower than the 100 per year touted by Director Taylor in a recent *Maui News* article. For your information, the last meter award letter was written, when I checked last a week ago, was written three months ago for parcel 17B, application date 9/1999. So if I had to grade the Committee's work on getting meters satisfied, meter list people satisfied I really would have to objectively give you an F. If on the other hand I graded you on denying properly zoned land, their usage, best and highest usage and controlling development all the while avoiding suits because of you don't want to be a taking on it, I'd have to give you an A. Now, Madam Chair, one of your great achievements was 14.13.065, an applicant on the priority list whose application is being processed, that means water meter letter is available, and whose premises directly front the Department's existing water system determined adequate by the Department to supply potable water, what does that mean? Are there any constraints on the Water Department? If it's fire flow requirements that's the exemption that we're given. So I wish that was better defined. Furthermore, we pleaded with you to allow two parcels, subdivision into two extra parcels instead of one and unfortunately that didn't come true. A subdivision is an expensive proposition and it really should, we should be able to divide it into two. There is an article in *Grass Roots* that says "the Water Department, Maui Water Department says the reason it's been so slow is not because of lack of available water but because of lack of public sector engineers to do the paperwork, I see you've hired one more. But since it's, no meters have gone out for three months it seems that two times zero is still zero. Now I should be giving you suggestions for improvement, here they are. Charge the cost of water as delivered, fund farms separately, require real farms with real income. You can get that off the tax forms. Don't do it for a thousand, I can sell a thousand of protea, a thousand dollars of protea from my roadside stand.

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Eliminate the unfunded liabilities that are 50 percent for improvements. The County can't afford those and so they don't --

MS. WILLENBRINK: Three minutes.

MR. POHLE: --issue meters. And put a limit on the required fire flow and water development fees. Fire flow is a ridiculous, logically and physically ridiculous requirement if its purpose is to prevent fire damage. It is not if the purpose is to halt development. I see my light is flashing. Thank you for this opportunity to speak. And I appreciate it and aloha.

CHAIR BAISA: Thank you, Dr. Pohle. You have that in writing?

MR. POHLE: What?

CHAIR BAISA: Do you have your testimony in writing?

MR. POHLE: I only have notes. This is, usually I write it out but I only have notes. I'd be happy to give you the notes.

CHAIR BAISA: It'd be nice if, you can even e-mail it later. I'd like to have them.

MR. POHLE: Sure.

CHAIR BAISA: Thank you. Members, any need to clarify the testimony? Seeing none, thank you. Ms. Willenbrink?

MS. WILLENBRINK: Our next testifier is Annette Niles, and she will be followed by Jim Smith.

CHAIR BAISA: Good morning.

MS. NILES: Good morning, Chair. Good morning, Council. My name is Annette Niles, I'm a farmer, rancher, and of course I live in Kula where we need water. Well, we have a lot now but anyway what you call, no I'm here but I'm hoping, was hoping that the presentation would come first on the priority list so we could answer questions to that. So I figured was like the last time when Mr. Taylor was giving his speech on it and then we would come in and give your speech on it. But I just have one thing to say right now and I'd like to thank Mr. Taylor for coming up to Kula Community Association and I'd like to thank him for the time that he stayed with me outside with many of the people to go over what I always said about having two water meter lists for the rich and the poor and you admitted to it and I'd like to thank you for that because you know what? Our people need, you know, our local people are people that's been on the water meter list need these, their families done, 20, 30 years especially. They died on the list, some of them. I'd like to see that taken care of and that's all I gotta say.

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CHAIR BAISA: Thank you very much. Members, any need to clarify the testimony? Seeing none, Annette, thank you.

MS. NILES: Thank you.

CHAIR BAISA: Ms. Willenbrink?

MS. WILLENBRINK: Our next testifier is Jim Smith, and he will be followed by Tom Croly.

CHAIR BAISA: Good morning.

MR. SMITH: Aloha, Members of the Committee. This is an interesting dilemma. In 1979 the Kula rule was adopted, okay, and that rule provided that there would be water meters for families of three and that was it. Okay, and the growth for water increased. But it was according to rules so that everyone who fit the rule got the meter. Okay. It was then decided in 1992 to abandon this because the Corporation Counsel said you know what, we can do this Administratively, okay. And that's how the list was created. Okay. And that's a different political structure. Okay. That's one where you bid and bargain. That's not about equality. That's not about equal access. That's unprincipled and it came at a time when we needed principle most. Okay. And it extended and now it's extending. And we have all of this nonsense going on. If you look at item number WR-20, okay. And that's wanting to charge people for backflows. Well, this is not government. This is a business operation. This is non-profit. This is driving the individual into his shell. It's not our community. But that's part of this "Trumpoid" syndrome we're doing, which is if you haven't got the power and the money, you don't exist. But in our culture we do because we have law and this idea of a list abandons it and you chase around a Director who's doing his best and we have such empathy for him and so what? Where's equality? Where's the water meter? It isn't there. What do I gotta do? You gotta do x, y, and z. Why can't I get it now and do it later? Oh I'm sorry, it's my discretion and that's the way it's going to go. Sue me. But that's a different political structure and that's where this Council needs to stand up. Water meter list, give me a break, put a moratorium in, identify who gets the water, who needs it the most, families, small families, et cetera. You gotta get, and to avoid this equality thing you get all of this find the water rule, you get all of this complicated rules and so nobody knows but the people who are being paid to know. And they don't know because they're writing new rules so the next generation can then make the money they're making. And at the end of the day we're gone. You don't have to worry about the little guy. You don't have to worry about the noisemakers. You don't have to worry because la, la, la, la, la, la, la, la. Everything is beautiful, everything is good and we're stuck in the mud. So we got to break this perspective and rule by law, not this breathe deep perspective. And that's where this water list, dump this water list, stupid this water list. How many decades do we have to see how stupid it is? Write a policy in which people get water by application, period. Then let it go. Give them the right they had in the first rules of the water supply. Rules, green book comes up and said everybody's entitled to water, equal, everybody. Gone. Now you go to the Water Code and you see 50 pages and you try to figure out where in

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those many, many, many pages and paragraphs and subparagraphs do you fit and you find out --

MS. WILLENBRINK: Four minutes.

MR. SMITH: --you don't exist in this. You exist in administrative rule. So then you have to go through thousands of administrative rules. So then you go away. And that's the political reality that's happening. And so be strong and do something by creating a rule and not a discretionary act of a director. Thank you so much.

CHAIR BAISA: Thank you, Mr. Smith. Members, any need to clarify the testimony? Seeing none, thank you, Jim. Ms. Willenbrink?

MS. WILLENBRINK: Our next testifier is Tom Croly. Tom will be followed by Sherman Dudley DePonte.

CHAIR BAISA: Good morning.

MR. CROLY: Aloha, Chair. Aloha, Committee Members. Tom Croly, and I'm here to talk about affordable housing and I hope the Chair will understand that I am in the right Committee to talk about affordable housing because this is one of the issues that is so critical to being able to create the housing that we need on Maui. The Director, in his remarks this morning just reminded me why he's my favorite Director. He is able to take very complex issues and make them clear to the public and I really appreciate that. One of the things that he made clear a couple of meetings ago showed me there's a fundamental problem. The idea, fundamental idea that each and every application for a meter has to go to an individual engineer to engineer that as a solution and then present it to the person as to whether they will be able to do that or not. That's not a reasonable way of going about this. Now I understand you're constrained by the list and by union rules and you're going to talk about some of those things today. But really we have to think logically here and come up with some practical solutions to this. The idea that there's one more engineer working on this cut the list down from 33 years as I calculated to 16 years now. Again I know you have some other ideas but whether it gets cut from 16 years to 8 years or whatever, that's still ridiculous isn't it; particularly in light of the fact that we need these meters, we need to be able to get building and creating some affordable housing. I have two thoughts for you to just consider. And one is, if I understood the Director correctly, the calculations that go in to this engineering exercise for each meter have to do with the zoning of the property. If the zoning is Agricultural, then they calculate that they're going to use x amount of water. I would like to strongly suggest that we create a new type of water meter. A completely new type of water meter that you apply for that says this is for domestic household use only and we have a punitive rate once you go over a certain amount. When I say punitive, like \$100 a gallon, you know that kind of thing so no one would go over that amount. And that way, that number that they calculate in there, if it was for this other meter could be a much lower number and maybe people could be able to get their water meters without having to make the improvements that are being calculated based on a much higher volume of water. It also would take away the list

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issue because if you create this new water meter altogether that's not, you know, a part of the water meter that people are applying for, they could apply for this new water meter right now. We could create a whole different class of water user. So it's just one idea for you, for you to think about, you know, in this discussion. I don't think that what I heard two weeks ago in this Committee as to how individual applications are being processed that that makes any sense whatsoever when you, when you're trying to go through 2,000 or 6,000 of these. That's just, that's a fundamental flaw in trying to create affordable housing. Onto the second issue on the agenda today, and I read through the proposed ordinance and I'm just still unclear as to whether the backflow thing is going to apply to all new building permits. That's what it kind of sounded like if someone came in for a building permit they were going to get tagged on to you have to put a backflow system in. And while I understand the need for such, for these systems, I will say we have to understand 60 to 80 percent of the construction that takes place on residential homes in Maui is being done without permits. Why? Because we made the permit process so difficult people say forget it, I'm not going to bother to get a permit to build a new room on my house or to build a bathroom on my house. They just do it.

MS. WILLENBRINK: Four minutes.

MR. CROLY: And how did I get that 60 to 80 percent? I spoke to building inspectors who gave me that rough estimate. Okay. So let's face up to what it is. People are not following the rules of the County because the County have made the rules so ridiculous. And if we say to someone oh in order for you to add that new room on your house you now have to put a backflow thing in and that's going to cost you \$600,000 to \$800,000. That's just one more reason people aren't going to bother to follow the rules. So I'm not sure that I fully understood it. Maybe we aren't saying that so hopefully that's not the case. But thank you, Chair, for giving me the opportunity to present these ideas.

CHAIR BAISA: Thank you, Mr. Croly. Members, any need to clarify the testimony? Seeing none, thank you. Ms. Willenbrink?

MS. WILLENBRINK: Our next testifier is Sherman Dudley DePonte and he will be followed by Rosemary Robbins.

CHAIR BAISA: Good morning.

MR. DEPONTE: Good morning, Chairperson and Councilmembers. I'm Sherman Dudley DePonte. I'm speaking on behalf of myself and as a professional in the community with Akamai Land Surveying, licensed land surveyor. In any case, I've been asked many times to come in here and testify before you. I've been begged to come in here and testify before you by Auntie Ruthie DePonte, God rest her soul. Many times she cried on my shoulder and begged and said, Dudley, we cannot stop this and I've been here since 1992 with her and following up on all of this. And one of the things I wanted to say and point out to people that's listening, we don't have that much in the crowd but you've asked for testimony, you want testimony. You want to hear the

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truth or do you want to hear the candy coated thing? I give the truth; I give it straight up. I'm not going to give you bull, I'm going to go by what is the facts out there and I've started from the beginning in 1992, if you followed my testimonies was basically based on infrastructure. We don't have the infrastructure. We need money for infrastructure so that everybody could get their water meter. Our zoning are not changing. We're not, up in Kula the people that is asking for the meters, they're not asking for a Change in Zoning like how we have in Wailuku, Kihei, Lahaina. You've got Change of Zoning, I mean you've got gentleman estates, you've got everything happening but Kula, Upcountry for some reason our infrastructure is zero. Cannot, we cannot get a meter. We have to be on a meter list. If you're not on a meter list you're, you know, no paddle and up a creek. In any case, doing the infrastructure, requiring the people to do the infrastructure, myself included, my infrastructure will be 3.1 million now. I was at 3.8 but they decided to cut it out, cut a curve out so now I got 3.1 million. Getting a loan for that 3.1 million is not going to happen. The County's not going to help me on that except the 75 percent because it's a family subdivision to give to my family. I can do one, maybe one, maybe because it's still restricted by if you have the flow, the potable water flow, whatever. It's a restriction that I might be able to get one meter. We want to try to get two if three lots or less so we're trying to work with on that and that would be a good thing. I've been in here promoting that. I said let's go back to the Code, what it was, the three lots or less so that people can get their water meter and at least take care two of their children because the average is two and a half. You just say throw away the manuahi, the half kid, no need that one. But in any case, the idea on that was at least allowing families to give to their children. And if it is a true family subdivision we should try to help them. As far as the County's position on it, we have, we've poured a lot of money into South Kihei, Don Couch's area, and for good reason. I mean development and it just needed it. It was all dry and whatever. But we brought water all the way from Waihee, all the way to Makena which is a major, major project. We have our Waikamoi water up there which if any Councilmember want to talk with me, now I've done the topographic work of it. I've also went up there and studied the dam. I mean, bringing in water from there is a no brainer to Kula. We have a 24-inch line right now on gravity flow coming right above my house which is 4,100-foot elevation. Waikamoi is at about a 4,300-foot elevation. The math, it's lower over here so we got gravity flow, no pumps, no need, very little. And we have a 24 inch that they brought in for the agriculture. We could use some of that water, treat it up in Kula, gravity flow it down to our residents. It would end our problem as far as water shortage or needing water to be pumped uphill, just as a suggestion. The other thing I saw was, okay, we have the...

MS. WILLENBRINK: Four minutes.

MR. DEPONTE: Okay. We have the, you want to charge an extra for maybe six more fixtures in the house or something like that, it's, to me it's extortion again like the infrastructure. You want to get your meter? You got to put in all of this line, for who, for the County so that the rest of the neighborhood will get it. And as I stated earlier, coming before you sometimes it's a plus and then it's a minus. The minus for me is I've been blackballed and I'm telling the truth. We can follow the name. We can follow

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the evidence and it's blackballed, pure and simple from the Water Department. And I've been told they don't like me because I come in front of here and I tell you like it is. So, so be it. I'm again, I'm Dudley, this shirt here now is we're praying for spread out the water so that the rain don't rain all at one time. Sorry about that, and the residents on stuff, my heart goes out to you whoever got displaced last night. And really, oh gosh, God bless you and take care.

CHAIR BAISA: Thank you very much. Members, any need to clarify the testimony? Thank you. I was wondering when you were going to talk about that shirt.

MR. DEPONTE: You're welcome.

CHAIR BAISA: Thank you. Thank you.

MR. DEPONTE: Can't miss that opportunity.

CHAIR BAISA: Thank you. Kim?

MS. WILLENBRINK: Thank you, Chair. The final person signed up in the Chamber to testify is Rosemary Robbins.

CHAIR BAISA: Good morning.

MS. ROBBINS: Good morning. Good morning, everybody. Rosemary Robbins, concerned citizen, ditto for most of what I've just heard, certainly. I'm hearing accusations of cover up, heavy duty stuff that's ready to come back that some of the decision makers that have been perpetrating to get us to the stage we were at. So I did go down, I did, all down from here to go through everything that was in both of those files that we're discussing today and made a list of missing extremely relative things that were in that file that are not brought up on our agenda today. I did get on our agenda we're talking about County Communication 16-40, from the Water Director, transmitting a proposed bill relating to cross-connection and backflow control and water for fire service. So the genesis of that was coming from the Water Director. Also, on August 10...that one was dated February 1, on August 10, again from the Water Director to the Committee Chair, Gladys, yourself, and huge, huge, we've talked before about behavior of omission and commission. These things that have been left out in the address of today, God forgive you didn't make them up. You got them handed to you but we need to make sure that we're looking at a broader picture than just what was on the agenda for today. So the agenda is talking about the Communication 16-40, I read that again from the Director to Chair White and Chair White was on the elevator and talking with Michelle Anderson, a previous Kihei Councilmember and I was surprised to see her, Michelle Anderson, on the elevators. We had a hug and she turned to the Chair of this Council and said if you ever want to hear anything on history she's the one. I don't have all of that but I have a whole lot more than what's being presented to you as being the whole situation, nowhere near. So I would like to make sure that we get Michelle Anderson's sharing with the Water Resources Committee meeting earlier this year. There's just so much stuff that's not included

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that should be. Anyway, following through on that we need to understand who's in charge and how did they get there. Reading from the June 15 of 2016 Michelle Anderson, the purpose and intent of the Water Availability ordinance is to protect public water sources from overuse and depleting the source and its sustainable yield. It goes on to say the Iao Aquifer has been taken from the County's control by the Commission on Water Resource Management for over pumping the source and threatening its sustainable yield. We're talking about children, grandchildren, future generations. Wow, not by way of this. The State Commission on Water Resource Management ordered the County to drill at least five wells in the flank of the aquifer to spread out the pumping and allow the aquifer itself to recover. Instead of drilling new wells, the money was spent repairing the damage done from over pumping. She knew, she was here.

MS. WILLENBRINK: Four minutes.

MS. ROBBINS: Yeah, thank you.

CHAIR BAISA: You need to wrap up please.

MS. ROBBINS: Two of these I'm talking about here, yeah. So it says let's be clear, if the County had water available in its systems, developers would be getting water meters and they wouldn't be complaining. It isn't because of this ordinance, it's because there's no additional water available based on industry standards in here. So it appears these amendments --

CHAIR BAISA: Rosemary, you need to conclude please.

MS. ROBBINS: --you're asking that we deal with is to make sure that we have a Water Director who knows what he/she is doing and who honestly has taken a look at the history and is honestly sharing. So. . .

CHAIR BAISA: Thank you very much.

MS. ROBBINS: Can I just say my response to what's --

CHAIR BAISA: Thank you, no.

MS. ROBBINS: --on here this morning?

CHAIR BAISA: Sorry, you've exceeded your time.

MS. ROBBINS: Okay.

CHAIR BAISA: Thank you very much.

MS. ROBBINS: Don't do it.

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CHAIR BAISA: Members, any need to clarify? Seeing none, thank you.

MS. ROBBINS: You're welcome.

CHAIR BAISA: Ms. Willenbrink, is there anybody else?

MS. WILLENBRINK: There's no one else signed up in the Chamber, Chair.

CHAIR BAISA: Okay. Let's make one quick round of the neighbor...the neighboring offices.

MS. WILLENBRINK: Hana Office, do you have anyone wishing to testify? Dawn, in Hana, do you have anyone wishing to testify?

MS. LONO: Yes good morning, this is Dawn in Hana. There is no one waiting to testify.

MS. WILLENBRINK: Thank you, Dawn. Molokai Office, do you have anyone wishing to testify?

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

MS. WILLENBRINK: Thank you, Ella. Denise in Lanai, is there anyone wishing to testify?

MS. FERNANDEZ: There is no one waiting to testify at the Lanai Office.

MS. WILLENBRINK: Thank you, Denise. Thank you, Chair.

CHAIR BAISA: Alright, one more check of the gallery. Is there anyone who has not testified that would like to testify? Seeing no one coming forward, there being nobody in the gallery and nobody in the neighbor offices, Members, without objection, I'd like to close public testimony.

COUNCILMEMBERS: No objections.

CHAIR BAISA: Thank you very much. So ordered.

...END OF PUBLIC TESTIMONY...

ITEM-6(4): UPCOUNTRY WATER METER PRIORITY LIST DISCUSSION

CHAIR BAISA: Members, we have our first item...our first item today on the agenda is the Upcountry Water Meter Priority List Discussion, WR-6(4). Members, you may recall we recently had a presentation from the Department relating to getting an update on the Upcountry Water Meter Priority List. After the presentation, we received testimony and had a lengthy discussion on finding ways to help expedite the process of getting available meters to applicants on the list. Before you is a letter dated September 9, from the Director of Water Supply, and a memorandum dated September 12, from the

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Department of the Corporation Counsel, in response to several questions that arose from the meeting. These things were passed out to you this morning and so the Chair is going to give you a brief recess here, time to read it and to digest it and also to make sure that those in the gallery have copies if they want them. It will be a brief recess and I'm not going to say exactly how many minutes because then we'll be tied to it. But please keep it, we'll try to keep it as short...as soon as you're prepared if you'll give me a signal we'll call the meeting back to order. The meeting is now in recess.
...*(gavel)*...

RECESS: 9:48 a.m.

RECONVENE: 9:54 a.m.

CHAIR BAISA: ...*(gavel)*... The meeting will please come back to order. Mr. Taylor, I would like to begin with your responses if you could please take us through it.

MR. TAYLOR: Madam Chair, that's the responses in my letter?

CHAIR BAISA: Yes, or any others you want to give us.

MR. TAYLOR: No. No, thank you. I'll...

VICE-CHAIR VICTORINO: Madam Chair, that's the --

CHAIR BAISA: As long as it's on the agenda.

VICE-CHAIR VICTORINO: --September 12, 2016 letter, right?

CHAIR BAISA: That's correct.

VICE-CHAIR VICTORINO: Okay. Just to make sure we're all on the same page. Okay.

CHAIR BAISA: Yes.

MR. TAYLOR: I'm sorry, I have a September 9, 2016 response.

CHAIR BAISA: September 9.

MR. TAYLOR: Okay.

VICE-CHAIR VICTORINO: ...*(inaudible)*... Okay.

MR. TAYLOR: The question...

CHAIR BAISA: You got it? The date of the letter is September --

VICE-CHAIR VICTORINO: Okay.

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CHAIR BAISA: --9th.

VICE-CHAIR VICTORINO: This one is from Kushi? Okay, the other one is from Kushi.

CHAIR BAISA: The other one, yeah. And the other one is from Kushi. Okay.

VICE-CHAIR VICTORINO: Thank you.

CHAIR BAISA: Mr. Taylor, go ahead.

MR. TAYLOR: Oh, okay. Your questions of your letter which we answered on September 9, 2016...

CHAIR BAISA: We're doing this for, essentially for the base, you know, for the benefit of people that are not here with us but also for those that are.

MR. TAYLOR: Okay. Your first question was what immediate measures does the Department plan to implement to expedite the meter list process and what our response was is as of September 1st, a second engineer was hired, assigned to the Upcountry District so he is going to be primarily working on the meter list. He's been there since September 1st. He's currently being familiarized with the system and procedures and he'll be focusing on that. In addition, Ms. Taomoto, who all of you know is the Capital Improvement Program Coordinator from the Department of Management is full-time temporarily assigned to our Department in an overall management role, including management of this process. Once this new engineer is up to speed it's also expected that probably another member from the Department of Management's CIP team will also be dedicating some time to helping the meter list. So as per the proviso that was in last year's Budget we are complying with that and we do have a lot of Department of Management help plus this new engineer.

CHAIR BAISA: . . .*(inaudible)*. . .

MR. TAYLOR: As far as the...

CHAIR BAISA: Oh go head. Go through the whole thing and then we'll have questions.

MR. TAYLOR: There's only two questions, there's one more.

CHAIR BAISA: Yeah.

MR. TAYLOR: The second question was is it possible to put a flier in the monthly billing statement informing them of the new provision for fixture units? And we looked into this. It is possible to insert fliers with specific information. We don't print those here. They're printed on the mainland. All the billing goes through Honolulu Board of Water Supply still. We are in the process of moving over to our own system. There are extra costs involved depending on what's in the mailer and how it's put together. Also, it's

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not possible to target any specific demographic. So it would just have to be to all 36,000 customers and there's no way to target anyone specifically. So it would have to be included in all the monthly bills in a certain time period. Based on experience of our staff of trying to get information out this way, we are not, we don't think it's really worth the effort and funds to try and get information out this way because it doesn't seem like a lot of people read those and there's no way to target specific demographics. So those are our two answers to the questions that were asked of us, Chair.

CHAIR BAISA: Thank you very much. Members, questions? Mr. Victorino?

VICE-CHAIR VICTORINO: Thank you, Madam Chair. And thank you, Mr. Taylor, for your explanations. I still, you know, on item number two, I don't know, to me it'd be worth the extra money at this point to make sure people understand what this means. That's my take on it, Mr. Taylor. I know it'll cost more but to wait another six months, a year before we take over the billing system or to wait another year or six months to figure it out just doesn't make no sense. I think if I had a say and if there's a way we can find you money to do it I'd say do it and do it now. That's my take on the second question. On the first question, thank you, one more engineer helps. It doesn't solve the problem but it helps. Hopefully, we'll start to expedite the list but a testifier mentioned or stated that you had addressed to her that there were two, actually two lists, two water meter lists and something to do with the rich and the locals. I wasn't quite sure, and I didn't want to get into it but I'll ask you. Is there such a thing as two lists that exist?

CHAIR BAISA: Mr. Taylor?

MR. TAYLOR: There is only the Upcountry meter issuance list. That is our only list. As we have water available we process through that list, has been explained to this Committee. What there is that the testifier was referring to, in the specific case Upcountry a private developer, Dowling, years ago built a well and dedicated it to the County. In exchange for that, that developer got a certain amount of water credits which were good for water meters. So that developer is free to give them away, sell them, et cetera, to anyone he chooses. That was part of the deal. So those credits are not part of the list. What she was referring to is that people who either develop a well like he did or people that buy it from him are separate from the list. That is true. There is another way to get a meter if you have the money to develop a well, if you want to deal with this person and buy them. So that's what she was referring to as this, in her words, a second list. But again it's not our list. It's not our water credits. We're not giving them away. It was part of the deal of the person, the company that developed a water source and they have a certain volume of water that they're giving away by their own methodology. So that is not our volume. That is not our water to give away. That's his.

VICE-CHAIR VICTORINO: So If I'm correct in hearing you, any developer who develops a water source, and again depending on the agreement, you know, I guess that would be where I would go with that, gets a certain amount of water for his or her development or her use or his use right? And then at that point in time they have the right to sell

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it, to use it for their development or future developments that they may be looking on, on to completing?

MR. TAYLOR: That is basically correct. These used to not go to the Council. Council changed an ordinance --

VICE-CHAIR VICTORINO: Yes.

MR. TAYLOR: --a decade or so ago. Now they're approved by Council. Council six months or so ago approved the Kehalani Well agreement which was I think 460,000 gallons, something like that. And that developer, those are now his credits. We're accepting the well and if that developer chooses to sell them, I mean let's just say for example there was a building moratorium, or a water meter moratorium in Central tomorrow.

VICE-CHAIR VICTORINO: Right.

MR. TAYLOR: That developer would still have those and could give them away, sell them, whatever he chose, those are his. And they are not subject to any rules we have about how to give meters. Those are his, he developed it. And that is the agreement between the County and these private system developers that give us that infrastructure.

VICE-CHAIR VICTORINO: So each of these agreements are somewhat similar but yet can be very different depending on what the, I guess the developer of that source wants and what the County is willing to give them. Is that correct?

MR. TAYLOR: Agreed. They have the similar template.

VICE-CHAIR VICTORINO: Yeah.

MR. TAYLOR: But the details of the numbers can be very different depending on the situations.

VICE-CHAIR VICTORINO: Okay. And then finally I guess we've talked about and again we'll talk maybe more about it today about this adjacency I call it, where if you've got 5 meter, 5 meter, people who desire meters on the same area but one is 1, one is 28, one is 528, that you believe, and I think one testifier kind of said throw out the meter list and do what is probably most expedient. Just if they're all on the same line and they're right there, it can be done, let's do it. I think that's what one testifier was trying to allude to that this meter list is stupid because when they put it together none, nobody took that into consideration. It was first come, first serve. Do you believe that there's some methodology, this Council, or a Council, could do to change that to make it more applicable to what we're talking about? In other words, being able to go right down the line and if there's 5 meters right on the same line or adjacent to the same main water line and there's water available that they could hook up even though this guy is 525 and right next door to him, maybe off the main line is number 5. Do you believe that could be possible?

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CHAIR BAISA: Ms. Oana, if we're getting into areas --

VICE-CHAIR VICTORINO: Oh yeah, yeah.

CHAIR BAISA: --that we shouldn't, would you please caution us? Thank you.

VICE-CHAIR VICTORINO: Yeah, if Ms. Oana wants to chime in. I don't know. Whomever wants to chime in on that one 'cause that question is being asked constantly. And so maybe we ought to hear, let the public hear if there is a, and if there's not then say we're crossing lines that we shouldn't and then we can, you know, do something else. But go ahead.

MR. TAYLOR: I've previously testified before this Committee, including I think the last meeting on this issue that from an engineering and operational standpoint I think there would be a much, much better way to allocate meters based on elevation and size of line and these issues we've talked about. Whether or not we're legally allowed to change to a different way is a question for Ms. Oana that I'll leave to her.

VICE-CHAIR VICTORINO: If you want to chime in, if, you know, I'm satisfied with that answer but if you want to chime in I'd prefer maybe not saying anything more. But I just wanted to know first of all his response and I understand that. Now there may be a legal issue and then we need to address it in a different manner I guess, Madam Chair.

CHAIR BAISA: I'd just like Ms. Oana have a moment to respond. Thank you.

VICE-CHAIR VICTORINO: Turn on.

MS. OANA: I believe Mr. Kushi addressed this in another Committee meeting maybe about a couple weeks ago. So I can talk about this more in Executive Session. But there is, it could be a risk.

VICE-CHAIR VICTORINO: Okay. Thank you. Thank you, Madam Chair. And that's good. I'll just ask questions. If my other questions are not answered I will do it in the second round. Thank you, Madam Chair.

CHAIR BAISA: Okay. Thank you. Members, any further questions on this particular letter, or the response from Mr. Taylor? Mr. White?

COUNCILMEMBER WHITE: Thank you, Madam Chair. The question I would have is whether or not we can use the Upcountry water meter list to send the mailer to, regarding, or send people on the list the notice regarding the fixture accounts.

MR. TAYLOR: It's possible. There is a list. There are addresses. It's a different system than the billing system. It would be a manual, you know, go through, address 1,800 envelopes, et cetera, et cetera. It could be done.

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COUNCILMEMBER WHITE: Because I think the genesis of the question was whether or not some people who are on the water meter waiting list may be able to get approval to move forward with this new fixture count differential that they could pay for the extra fixtures and move ahead with the building.

MR. TAYLOR: At the Kula Community Association just last week, I think it was a week ago tonight, this was one of the issues I was asked to talk about. So I did explain to everyone there in the Kula Community Association what the process was, how this worked, and what they could do. I'm hoping that the coconut wireless is a more, is an efficient enough way to get this to the people who need to know. You know obviously we can always communicate better. Whether or not direct mailing to all these people is the best way to do it, you know, we're open to that discussion.

COUNCILMEMBER WHITE: What is the form of the water meter waiting list? Is it on an Excel spreadsheet or is it, how is it?

MR. TAYLOR: I'll ask Mr. Miyabuchi to come down because I'm not exactly sure whether the addresses are in that sort of format so I'll ask him to come down and answer that.

COUNCILMEMBER WHITE: Madam Chair, I assume that we have a formal list and I'm assuming it's not on a Word document. It's probably on an Excel document and if it is, it could be done through a mail merge and the letters could be sent out pretty simply.

CHAIR BAISA: I understand where you're coming from, Chair. Members, Jase, if you could please introduce yourself.

MR. MIYABUCHI: Yeah, the list itself, the people on...

CHAIR BAISA: Introduce please.

MR. MIYABUCHI: Oh, I'm sorry. Jase Miyabuchi, Department of Water Supply, District Engineer for Upcountry.

CHAIR BAISA: Thank you.

MR. MIYABUCHI: Thank you.

CHAIR BAISA: Go ahead.

MR. MIYABUCHI: Thank you. Yeah, so the list itself, we have electronic versions of it. It consists of the properties, the people who got onto the list, their names, why they got onto the list. But as far as mailing information we always defer back to the Real Property Tax, the latest information for those types of things through their website as far as the properties and anyone associated with those properties and who we're going to be sending these letters to.

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UNIDENTIFIED SPEAKER: . . .*(inaudible)*. . .

MR. MIYABUCHI: By TMK, yes.

COUNCILMEMBER WHITE: So are you saying that the list does not have the TMK or address on it?

MR. MIYABUCHI: It has the TMK but not the latest mailing address of the people associated to that TMK.

COUNCILMEMBER WHITE: It seems to me it would be worth establishing addresses on the list, Madam Chair, or mailing addresses because it's available from RPT and it seems like a fairly, I mean it would take some time but it seemed like a simple solution to the mailing rather than going to 36,000, you know, clients on the overall Department list, so.

CHAIR BAISA: Any...thank you, Chair. Any more?

COUNCILMEMBER WHITE: No, that's it. Thank you.

CHAIR BAISA: It sounds to me like I'm hearing that the Members, and of course you all know that unless we take some policy action here we can just suggest that this be done. So whatever you'd like to do, I think Mr. Taylor got the drift here.

MR. TAYLOR: Madam Chair, I'm clear about the Council's concerns and we'll talk with Staff and see if there's some, something that we can do that fits into your desires.

CHAIR BAISA: Thank you. I think it might be a good idea because we might want to use it to communicate with that list in some other way also. You know maybe they want to know how fast they're moving or are things happening and it would be a quick communication once we have the address list made. So, you know, communication seems to help a lot. I think a lot of the problems we have is that we're just not sharing information enough and so when, you know, in an absence of information people invent their own information and generally it's not good. Let me tell you a story. A good friend of mine told me who I learned from, he ran the Pacific Institute, he said if you were walking in the forest late at night and you couldn't see anything, it was very dark, and you could hear noises, what would you think it was? You'd probably think it was a big black bear. You would not expect it to be Santa Claus. And that's the idea of lack of information. You know, in a lack of information we assume the big black bear. So I think the more we communicate with people the better and again I know Mr. Taylor is real quick on picking up the feelings of this Committee. So I don't think we need to beat this to death. Are there any other questions on the letter? Mr. Couch?

COUNCILMEMBER COUCH: Thank you, Madam Chair. It's not so much on the, well it's tangential to the letter but you talked about the fixture units when people start getting their water meter because they can because of the extra fixture units, we had a semi

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sort of discussion last time. And can you just refresh your thoughts on if that's all that they were on the list for and they did get their fixture units, people aren't dropping off the list anyway because they just want to be there just in case. Is there anything in your thoughts that we could do to say well, wait a minute, don't be, don't be hogging up the list if that's all you wanted it for.

MR. TAYLOR: I'm not aware of anything legally we could do. But that, those persons could be helped right away. So assuming somebody came in at any time in the past and all they wanted to do, let's say an extra bedroom and a bathroom, and they were told by the Department that they didn't have enough, that their meter wasn't big enough and they had to get on the list for that. If all they want is one bathroom, that's, there's probably enough, well there's almost certainly enough extra fixtures now available to do another bathroom. So they don't have to wait for the list. So anybody on the list who's waiting not for a subdivision, but who wants to do more plumbing fixtures on their property and they've been told in the past by the Department that they're just a little bit short, and it's about a bathroom and maybe addition, you know, say it was a bathroom and a washing machine or something like that, or a bathroom and a dishwasher. That's about eight fixture units, something like that, if they have a 3/4-inch meter, you know a little bit more than that. So if somebody already wants to do something and they're just a little bit short, this might help them. That's basically who this is targeted to. And that's Countywide, anywhere, not just Upcountry.

COUNCILMEMBER COUCH: Correct. However, if the only reason they were on the list was because of that letter and then they did get their okay to add the room and the, whatever fixture units that they wanted to, I know there's nothing legally now, are you looking for something that we can possibly do to say look you guys, don't hog a position on the list?

MR. TAYLOR: We're not planning anything formal. We don't really know of any way to do that. We don't know of any way to say, you know, if you take advantage of this you have to be bumped by the list. As you've said, I can't imagine that anyone would voluntarily remove themselves from the list. I mean, why would they? You know what if it's two years later and they change their mind or they want to sell it or something. But when they do come up on the list, if they're going to say no, that's a pretty fast processing. So, it makes the list look better to get them off but it really just saves the staff from writing one letter and getting one response. It's not...and the response would be no so there wouldn't be much work to do for it. So I don't think it would make that big of a deal. It would certainly look better that, you know, all those people would get off the list.

COUNCILMEMBER COUCH: Right.

MR. TAYLOR: But from a realistic standpoint I don't see any way to do it anyway.

COUNCILMEMBER COUCH: Okay. Thank you, Chair.

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CHAIR BAISA: Thank you. Further questions on that particular issue? If not, we'll go to the letter form Corporation Counsel. Ms. Oana?

MR. OANA: Thank you, Chair. You've asked our Department to answer a couple of questions. The first question was, the Committee discussed the possibility of employing temporary hires to assist with expediting process. Please provide an opinion on the legality of employing temporary hires for this purpose. And Mr. Kushi did write a memo to you and he quoted Hawaii Revised Statute Section 76-77, which is the Civil Service and Exemptions. I'll just read a portion of that. The civil service to which this part applies comprises all positions in the public service of each county, now existing or hereafter established, and embraces all personal, personal services performed for each county except the following, and it lists a bunch of exceptions. And number eight states, positions of a temporary nature needed in the public interest where the need does not exceed 90 days provided that before any person may be employed to render temporary service, the Director shall certify, and this is the Director of Personnel Services, that the service is of a temporary nature and that recruitment through normal civil service recruitment procedures is not practical, and provided further that employment of any person pursuant to this section may be extended for good cause for an additional period not to exceed 90 days upon similar certification by the Director. So there is a possibility that the Department of Water Supply can hire temporary hires for the purpose of expediting the water meter list. Mr. Kushi does recommend a process and he basically says for the Department of Water Supply to formally request the Department of Personnel Services' review and consideration to fill these vacant engineering positions and to basically discuss with the Department of Personnel Services how to accomplish that. So yes, it is possible for DWS to hire temporary hires.

CHAIR BAISA: Thank you very much, Ms. Oana. Members, any questions? Yes, Mr. Victorino?

VICE-CHAIR VICTORINO: Thank you. And, Ms. Oana, please thank Mr. Kushi for, you know, getting back to us in a timely manner that I think this is very important that I see, and correct me if I'm wrong, there is a possibility of bringing in engineers on a contractual basis or even bringing in on a temporary basis to do some of the work necessary to get the water meter list at least cut down or even eliminated by getting the work that needs to be done. Now my question to you is it said at the last part, any person pursuant of this paragraph may be extended for good cause for an additional period not to exceed 90 days upon the similar certification by the Director. Knowing that this problem is quite large and 90 days is a very small window, in your best estimate, how many additional 90 days could we ask for, for good cause? Now I think I got good cause for saying that hey, we got 1,800 meters, or people waiting for meters, we don't how many meters are inclusive with that 1,800 waiting list, but how many in your best estimate, or if you can't answer it then just say I can't, that we could extend because I don't think 90 days would get, unless you brought in 25 engineers and work 90 days and that's all they did, and maybe then we could accomplish that. But that's my question to you.

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MR. OANA: Yeah, Member Victorino. I don't know how long it's going to take but for this particular section --

VICE-CHAIR VICTORINO: Yes.

MR. OANA: --in the Hawaii Revised Statutes it gives you 90 days and then additional 90 days and then that's it.

VICE-CHAIR VICTORINO: That's it?

MR. OANA: No third 90 days.

VICE-CHAIR VICTORINO: So the only, this engineer or engineers or help we bring in--

MR. OANA: Or engineer aides.

VICE-CHAIR VICTORINO: --aides, or whatever you might call them, the max they could be with us is 180 days so long as we showed good cause?

MR. OANA: Yes.

VICE-CHAIR VICTORINO: Wow, okay. So again, my concern there, Madam Chair, is we bring in 10 people, 180 days they get to this point, and then you got to bring in 10 more people and they got, you know, it takes a little while just to get caught up to where they're at. So now they get maybe 120 days, or 130 days, you know I think that's where I see a failure in this. But I understand, it's the law. I'm not questioning the law. I just wanted to know that 180 days is the maximum allowed under the law for any temporary aide, engineer, whatever they may be called to help us, that's correct?

MR. OANA: Correct.

VICE-CHAIR VICTORINO: That's the max?

MR. OANA: Yes.

VICE-CHAIR VICTORINO: Okay, Madam Chair.

CHAIR BAISA: Okay. I'm going to ask the Director to comment on that.

VICE-CHAIR VICTORINO: Yeah, I was, yeah I was going to ask if he would like to chime in on that please?

MR. TAYLOR: Just for clarity, because I don't think it was directly addressed in that answer, when somebody temporary comes on, it's not like it's a consultant where we get a price from them.

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VICE-CHAIR VICTORINO: Yeah.

MR. TAYLOR: So that temporary worker, let's say in this case it's an Engineer III, or a Clerk I, or whatever it is, they get that pay. So you're really basically asking somebody to come do the same work our people do at the same pay our people get paid without any of the long-term benefits of civil service. So the recruitment is really the same. I mean you're still putting an ad out and saying who with these qualifications wants this job at this pay. But in this case you're saying but it's only for, you know, 180 days. So based on the recruitment we've been doing, and the interviewing we've been doing, it's not as if, if these people existed we'd be hiring them. So I wouldn't, I find it very hard to believe that there's some group of people out there that have the right qualifications that aren't applying for full-time jobs that would be interested in working for 180 days. So that...and if those people are there then of course we could hire them for 90 or 180 days. But our problem is still that the recruitment's going to be the same, it's just going to be us offering basically less than we're offering for full-time employment.

VICE-CHAIR VICTORINO: And, Mr. Taylor, you know, this engineering problem has existed for a long time. I remember the prior Administration having the exact same problem and we hired from the mainland and other places to bring them in. I understood the drawbacks and if you remember, Ms. Baisa, the drawback was many would come with their families and six months, a year later just really had a hard time handling the lifestyle, being away from their families, even the cost of living here in Maui and they went right back where they came from. So we paying them these bonuses or moving expenses and other things right, Mr. Taylor, and bam we didn't get much out of it. So again it's almost like between a rock and a hard place. But are we doing any recruiting beyond the geographical State of Hawaii, in the mainland, and other areas? Are we trying that also? I understand the drawbacks. But we got to start looking if we're going to keep coming up with the same problem.

MR. TAYLOR: Member Victorino, we always do.

VICE-CHAIR VICTORINO: Okay.

MR. TAYLOR: We always, in these recruitments we very often interview and we, we make no distinction about the telephone interview. We tell these people you don't have to fly out here. We'll routinely do telephone interviews of people who are interested just to even try to help them recruit, even try to help recruit of not having them have that expense of having to fly out. So that's, people from the mainland pick up on our job interviews, and this isn't just for engineers, it's Countywide.

VICE-CHAIR VICTORINO: County-wide.

MR. TAYLOR: So that's already being done.

VICE-CHAIR VICTORINO: Okay. And thank you, Madam Chair, for allowing him to give that answer. I think it's important, we know we can do something about it but it's all temporary and 180 days doesn't seem like a lot of time for anybody to really get their

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teeth into this challenge. However, what the old saying, a straw is better than no straw at all. So maybe I'll, if we get enough straws in the glass, maybe we can get that problem whittled down or maybe eliminated in not too distant future. You and I won't be around to enjoy this. But I would sure like to see one day the headline, no water meter list. I would love to be alive to see that. Thank you, Madam Chair.

CHAIR BAISA: That's okay. We can come testify now.

VICE-CHAIR VICTORINO: Yeah, we'll be here, knock on wood, yeah.

CHAIR BAISA: Mr. Couch?

COUNCILMEMBER COUCH: Thank you, Madam Chair. And thank you, Ms. Oana, for that discussion. This leads to the next question that actually really wasn't addressed in the letter, and that is hiring consultants to do this. Since we can't, it's obvious that it's difficult to get anybody to come and apply and this is kind of an emergency, I mean I would think it would be an emergency situation even though it's been a couple decades. But can't we hire, you know, hire consultants to handle this portion and when it's done, it's done? It's more like a professional services issue?

MR. OANA: You know I'm not sure about that. I'm not prepared to answer that question. I know it was asked before. But I didn't do any research on that.

COUNCILMEMBER COUCH: So, Madam Chair, that I guess if we could ask that.

CHAIR BAISA: We...I have no problem, Ms. Willenbrink if you'll make note of that we'll ask them another question. We're just going to keep going until we get rid of all the questions.

COUNCILMEMBER COUCH: Thank you.

CHAIR BAISA: Thank you, Mr. Couch. Any...

MR. TAYLOR: Madam Chair? I'm sorry, but I think that question might be best for Director of Personnel Services. And I think he might've either partially answered that or talked about that a little in the last meeting. What Mr. Couch is asking is when we're allowed to use consultants for work that has historically been done by County employees or not, and I'm not sure that question is really for me or Corp. Counsel. I think that question might be best for the Director of Personnel Services.

CHAIR BAISA: So noted. Ms. Willenbrink will make sure the letter goes to the right person.

COUNCILMEMBER COUCH: Madam Chair, that would be, I would think would like it to go to Corp. Counsel as well as Personnel Services.

CHAIR BAISA: Perfect.

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COUNCILMEMBER COUCH: Thanks,

CHAIR BAISA: Thank you. Mr. White?

COUNCILMEMBER WHITE: Thank you, Madam Chair. I think the question that I would have is, you know, whether it's temporary hires which I agree with you, I think that's probably a road that's not going to be terrible fruitful, but the question I would have is have we discussed with the union whether they would be willing to say go ahead and hire consultants until we can help you find enough engineers to get the job done?

CHAIR BAISA: Mr. Taylor?

COUNCILMEMBER WHITE: I don't know if we've asked the question, whether DPS has asked the question, but, you know, we don't want to, you know, we don't want to break the law but boy the law is not serving us very well.

CHAIR BAISA: Thank you. Mr. Taylor?

MR. TAYLOR: I believe that question was asked to Mr. Underwood in the last meeting we had and I don't remember whether it was in open or Executive Session. So I remember what he said so I don't want to repeat it in open session.

COUNCILMEMBER WHITE: Okay. The other question I would have is whether or not you have done all we can to take the process of working on the water meter waiting list and take whatever portions of the responsibility, don't really need to be done by an engineer, and move that to others that might be easier to recruit. Because I understand folks like Jase are not easy to find and, but if we can focus other people to do the portion of the job that doesn't require an engineer's calculations and, you know, their training.

MR. TAYLOR: And thank you, Chairman White. That is one of these specific items that Ms. Taomoto is tasked with looking into from a process flow standpoint of how we do our work, what can be done, again because there's somebody else from Department of Management who may come help. So if we can look at that process, get some help for the things the engineers don't need to do, there might be more help within the Department and then also available from outside who aren't engineers who can do some of those things. So that is a, that is being efforted as we speak.

COUNCILMEMBER WHITE: Okay. Good.

CHAIR BAISA: Thank you.

COUNCILMEMBER WHITE: I think that's probably something that should've been done a long time ago. I'm happy to hear that it's being addressed.

CHAIR BAISA: Thank you, Chair. And --

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COUNCILMEMBER WHITE: Thank you.

CHAIR BAISA: --I'd like to take the moment to recognize Ms. Taomoto who is in the gallery. Just wave and say hi. We're counting on you big time.

VICE-CHAIR VICTORINO: Madam Chair? Madam Chair?

CHAIR BAISA: Yes, Mr. Victorino?

VICE-CHAIR VICTORINO: And so that the public knows who's listening in today, Ms. Taomoto has extensive background with the Department of Water. She was there as an engineer for many years. So if anybody can bring forth the process and help us streamline it, I would put it on her hands versus almost anybody else in this County at this time. You know so I trust Wendy will do it, and, Wendy, after I built you up and that will not cost you anything, don't fail me now, baby, don't fail me now. Thank you.

CHAIR BAISA: Thank you, Mr. Victorino. This is definitely not her first Water rodeo. She knows her way around the Water Department and we're delighted to have you back. And I don't know who the gentleman is sitting with you but maybe you want to introduce, tell us who he is?

MR. TAYLOR: This is our new engineer in the Upcountry section, Mr. Derek Takahashi. Derek was previously in the private sector, was hired from my old group, the Wastewater Division where in what I've told you about before that's happening of everyone pillaging the best and brightest from other places we've took him from Wastewater so now Wastewater projects are now behind as ours are going to start catching up until they decide to hire Jase or whatever happens next.

CHAIR BAISA: Thank you so much and welcome, Derek. We are so glad to have you with the Water Department. We need all the help we can get as you can see. And it really is dependent on your engineers. And again I also want to thank Jase who gets tremendous amount of stress piled on him in handling all of this. And I'm glad we got you some help. Thank you very much. Any further questions on the letter from Mr. Kushi? Seeing none, Members, I'm going to just defer this item and let's take our morning break. Let's please try to be back here in about 10 minutes. But again that's not hard and firm. Please come back as soon as you can but no more than 10 minutes.

COUNCILMEMBERS VOICED NO OBJECTIONS. (Excused: EC)

ACTION: DEFER PENDING FURTHER DISCUSSION.

CHAIR BAISA: So the meeting is now in recess. . . .(gavel). . .

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RECESS: 10:29 a.m.

RECONVENE: 10:43 a.m.

ITEM-20: WATER SERVICES (CC 16-40)

CHAIR BAISA: . . .(gavel). . . Will the meeting please come back to order and would you please take the conversation outside? Members, our second item for today is Water Services, WR-20. The Committee is in receipt of correspondence dated August 10 2016, from the Director of Water Supply, transmitting a revised proposed bill entitled, A Bill for an Ordinance Amending Title 14, Article 1, Maui County Code, Relating to Cross-Connection and Backflow Control and Water for Fire Service. The purpose of the revised proposed bill is to require consumers and owners of real property to install a backflow preventer on properties connected to the Department's water system and to generally prohibit connections that could contaminate the Department's potable water system. Members, this is a very important but very complex bill. We may have to trust the engineers on the technical aspects of this bill whom Staff has met with numerous times. The Board of Water Supply has reviewed the bill and is in full support. I want to repeat that. The Board of Water Supply has reviewed the bill and is in full support. We now have this procedure where we take things by the Board of Water Supply and hopefully get some response from them before we bring it to this Committee. I thought it was very important that we do that. With that being said, Mr. Taylor, do you have any opening remarks?

MR. TAYLOR: Yes, Madam Chair. I think I'll take the time to try to explain what this is and how we got here in a, as much a non-technical way as I can.

CHAIR BAISA: Thank you, for most of us.

MR. TAYLOR: When the semiautonomous Board of Water Supply existed this was a requirement in their rules. When the management changed to the County and the Mayor and the Council, those rules as you all know were mostly codified into ordinances. This somehow slipped through the cracks and it was never migrated. So what we've been doing is we've been using sort of best engineering practices by trying to get people to do this. But there's never been, there used to be teeth when there was Board rules, there's teeth for everything else that have been migrated to Council ordinances, but this never got migrated. So this is from one sense a little bit of housekeeping of something that we probably should've done you know a while back as we migrated all the ordinances. Okay. So that's why it's coming up now. It isn't a new issue. It's just never, it's never been migrated from the old Board rules to the Council ordinances before. So what is a backflow preventer, why is it important? I think as everyone knows, the water system is pressurized. So we pressurize it at source and you get pressurized water. So what can happen when there's a line break, or somebody runs over a fire hydrant? All of a sudden, water starts spilling out, and that can cause a vacuum that sucks water from homes and businesses on the

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customer side of the meter into our system. There's all sorts of contamination that can be brought from the private side into our system and all the neighbors can be contaminated. One thing I just remember hearing about long before I was in this business, I remember being a kid and hearing about this, say there's a commercial kitchen that has a big sink and you have one of those hoses from the sink and they're washing dishes and they pour some old mayonnaise that has botulism in there or something and there's a tube in there. When this vacuum's that's going to be sucked out back into the public water system and all of a sudden you've got a health crisis. There's dirt, there's chemicals, there's all kinds of things that people have on their side that we need to make sure doesn't get sucked back out into the public system where the neighbors are now getting it in their water. That's what a backflow preventer does. It's a mechanical device that has, and I won't get into the mechanisms of how it works, it keeps, once water goes through it can't come back. So any contamination that happens stays on that side. The Plumbing Code which the Council has adopted requires plumbing, requires similar installations. There are a number of things that exist that somehow got built, I don't know if the Plumbing Code wasn't enforced or the Plumbing Code didn't used to require it. There's all sorts of properties that don't have these. New commercial developments put these in as a matter of course. This is something that's come to us where we have existing, mostly existing facilities, they come in for a tenant improvement, actually it happened in this building before my time in the Water Department. There's all these improvements going on in this building and I think it was the Mayor's Office improvements where the Department of Water Supply, this was under the Tavares Administration, where the Department of Water Supply if I recall wouldn't approve the building permit for the improvements because there was no backflow preventer. And so when this happens in something like a shopping mall, if you think about how those contracts are, you know, something like Kaahumanu Center or something where there's just small tenant improvements like Sunglass Hut, and all of a sudden we're telling Sunglass Hut that Kaahumanu Center needs these big improvements outside. And you can imagine this little guy just trying to do tenant improvements doesn't want to do exterior civil engineering work. So what this bill does is let us to get to the owner. Essentially what we've been doing

we've been taking individual building permits and saying we won't process this until you fix the outside, you know, civil engineering kind of thing. This ordinance will allow us to deal with that without sort of holding building permits hostage. So again it's always been part of the Department's methodology. It was in the Board rules. To the best of my knowledge, this is part of every water utility's in the Country's standard way of doing business. This is not something we made up. Backflow preventers are a standard engineering function that exists probably in almost every utility. So that's what this ordinance is about. That's what it physically does. That's why it has never, this ordinance hasn't existed before. It was never migrated. It's why we think it's important and it's essentially letting us do what we've been doing but having legal teeth to do it because some issues have come up where that's become itself the issue. So I hope that is a good overview with a non-technical, non-technical overview. And one thing I want to mention, the Chair mentioned that the Board of Water Supply was firmly in favor of this, that includes the Vice-Chair of the Board of Water Supply, Mr. Joslin, who was the first to say how much he came out and supported it and he is a commercial plumbing contractor. So even somebody who doesn't want to have more

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regulations did not put up any fight. He was the first one to speak and said we should pass this right away. We should support it. And I'm not sure if we included that testimony with the summary minutes, I know I've read them but he led that charge as a commercial plumbing contractor, he was licensed, saying you know this is absolutely necessary. So I do want to share that because he does represent the commercial interests who would normally, if anyone was going to be opposed to this, we would expect he would be against it. But he was 100 percent in favor of it as was the Board. So that ends my introduction, I hope that covered the main points.

CHAIR BAISA: Thank you very much, Director. Before we get into a lot of discussion, I want to share with the Committee, I have received a lot of questions about this and the number one question, and I'd like you to answer it, Director, so that we have it, is will this apply retroactively or is this only going to be for new building permits?

MR. TAYLOR: Chair, this does allow us to act retroactively. From a practical standpoint, let me back up on this, when we looked at this there was a couple different ways to do this. If any of you remember how Wastewater dealt with the grease traps, that was done retroactively. Essentially they said here is the, you know, thousand or so places that need one. Certified letters were sent out and said you have two years or something to get this done otherwise you're going to be fined, a year later there's another letter. So we said everybody has to comply. Okay. So that's how that ordinance was written. We could have done the same thing here when we talked about it. You know, should we say you must, you must, you must. We decided not to do that because there's probably just too many, it's just impractical. We talked about, should we just do it going forward? Then you end up with all these people that are sort of existing nonconforming and still have a, you know, potential health problem. Because unlike most parts of the Building Code and Plumbing Code, they're there to protect you and sort of at your own risk if you choose not to do this. This is something that affects your neighbors. So we need each property owner to do this not just to protect them but really to protect their neighbors. So we felt just sort of that laissez-faire approach wasn't reasonable. So the middle ground that's reasonable is this ordinance but from a realistic standpoint we don't have the staff nor the intention to just go door to door looking for these. What we tend to do is when people come in for building permits that's when we put eyes on it and say, you know, is this something that should have one of these? We could under this ordinance if we happen to notice something, if Mr. Couch's, you know, property or something we notice that he's doing something that concerns us, he's starting a, you know, some sort of business where he's got all kinds of toxic chemicals and we notice there isn't one, this ordinance would allow us to go, I know you live in a condo and you wouldn't do that but anyway, I know you wouldn't do it anyway. This ordinance would allow us even if he didn't have a building permit, to go and retroactively say this is important. But it is not our intention to just massively go and do these just 'cause we just don't have the resources to do so.

CHAIR BAISA: Okay. Thank you very much. Mr. Victorino?

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VICE-CHAIR VICTORINO: Thank you, 'cause you get the same e-mails that I've got and that was my first question. Thank you. You beat me to the punch, Madam Chair. Thank you. And I think that was very important and thank you for that explanation. So from this point forward, and let me start by saying that we try to codify all the rules and this was one of them that was missed. And I apologize because that should have been taken care of. You know we spent almost two, three years, Madam Chair, if you remember codifying the rules from the Department of Water Supply, I mean from the Board of Water Supply to the Department of Water Supply. I don't know how this one got missed. Nobody said anything and so I just, it was an oversight on our part. And I'm glad to see that the Board of Water Supply, Madam Chair, is involved again as we had started. So I think that is very, very, very, very important. My question to you so that the public understands, and I think you've said it a number of times, this is not just to protect you, it's to protect your neighbors and any adjacent water users on your line. This will prevent contamination from coming out from their side of the property into our system which then disseminates throughout the system itself, that's correct?

MR. TAYLOR: That is exactly the purpose.

VICE-CHAIR VICTORINO: I know you're having a hard time with the microphone. Okay. So again so that, so people understand that even though this is an expense, and I know people get upset about it, they gotta understand that this is something for the wellbeing not only of themselves but others around them. And would you like your neighbor not to do it and something goes wrong and gets back into your system which is your water coming into your property? And so I hope the public understands that this is something very crucial, very, very important. Something that, you know, I give the Department credit, has been done but now gives us legal teeth I guess is the correct quote that I want to use to get this done and now people can't back off and say wait a minute, I don't have to do this because now you have something that, you know, that \$500, and there was some other penalties put in here, punitive action that we'll take. And so I can support this, Madam Chair. I know it's another one of those, you know, people will say another piece of bureaucracy. But they gotta remember, when you're talking the wellbeing and safety of all, not just some, but all the users, I think it's critical that something like this be put forward. So I can support it the way it is, Madam Chair. I mean unless, you know, and I'll let my other colleagues ask their questions, but I'm pretty clear on this and in the backflow preventers, the system that has been set up by the County, by our Department of Water Supply so I wanted to...and you so well know because your husband and your son both work in this Department and they'll tell you the importance and value of it. So thank you, Madam Chair.

CHAIR BAISA: Thank you, Mr. Victorino. Members, any further comments? Mr. Couch?

COUNCILMEMBER COUCH: Thank you, Madam Chair. Thank you, Mr. Taylor, for that explanation. What you didn't talk about is the whole installation of fire water service. What's that all about?

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MR. TAYLOR: When a building, such as the one we're in now, has fire sprinklers, the meter is usually not big enough to run the fire sprinkler system. So they usually have a direct connection to the main line that doesn't go through their meter. So there's a similar type of measuring device, backflow preventer, that's hooked to that system and that's what that refers to.

COUNCILMEMBER COUCH: Okay. Thank you, Madam Chair.

CHAIR BAISA: Any other questions? Mr. White?

COUNCILMEMBER WHITE: Thank you, Chair. The, I'm assuming this applies to all residential structures as well?

MR. TAYLOR: That's correct.

COUNCILMEMBER WHITE: So this isn't like the grease traps issue because grease traps were just commercial operations and --

MR. TAYLOR: That's correct.

COUNCILMEMBER WHITE: --even though residential puts a lot of stuff in the system as well. What do you, are backflow preventers currently being installed in all residential properties?

MR. MIYABUCHI: I believe in the...

CHAIR BAISA: Please identify yourself --

MR. MIYABUCHI: I'm sorry.

CHAIR BAISA: --so we'll have it for the record. Thank you.

MR. MIYABUCHI: Jase Miyabuchi, Department of Water Supply, District Engineer. We're not experts in the Plumbing Code though I, you know, we read through it, we read parts of it. From my understanding for various instances, for example when you have to perhaps install a swimming pool, or irrigation, in those types of instances they are required by Plumbing Code to put in backflow preventers. There are different types, different kinds, different levels of protection but I believe from the Plumbing Code they are required in certain instances to locate them on the property. They don't always mesh as far as type of backflow, location of the backflow as our standards, but, you know, it does match the plumbing code.

COUNCILMEMBER WHITE: Okay. Thank you. It doesn't surprise me that Mr. Joslin would be supportive of this since he's on the money making side of the equation, not the paying side necessarily.

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MR. TAYLOR: I only mention that if you watch the Board meetings, although that may be technically true, Mr. Joslin tends to be against things he thinks are worthless, stupid, et cetera, even if he could make money. He tends to be very realistic about is this a realistic important ordinance or not. So that is just my two cents of him. He seems to be not governed solely by whether or not he can bill for it.

COUNCILMEMBER WHITE: I'm sure. He's a good guy. Thank you, Chair.

CHAIR BAISA: Thank you, Mr. White. Any...Mr. Couch?

COUNCILMEMBER COUCH: Thank you, Madam Chair. Mr. White's question and the answer brought up another question. When you answered it, you said irrigation systems and a pool. But if they don't, if the house doesn't have, especially the newer homes now, doesn't have either of those, are you saying that they're not required or they're not being done and will this make it required of all?

MR. MIYABUCHI: As far as what's required or what's being done or not being done, again I'm not that well versed in the Plumbing Code so I can't say specifically what people are doing or not doing on that side.

MR. TAYLOR: There is, it will be required. There are...I looked at the Plumbing Code too and then talked to some plumbers. I don't want to get beyond my expertise here 'cause I don't really know much about what happens in plumbing on the customer side of the meter but I've been assured that the Plumbing Code does require some kind of backflow device of some sort. It may not be as...what we have is a double one that has an air gap and there's some technical features to it, it may be something similar like a one way, like just a single flap or valve. There is backflow prevention in the Plumbing Code. Whether or not this would require that to be beefed up a little or that would be acceptable, I'm not exactly sure of that. But it would be required everywhere.

COUNCILMEMBER COUCH: Okay. Thank you, Madam Chair.

CHAIR BAISA: Any other questions from the Members? Mr. Director, I've also been asked to have you address the issue of the double detector checks that are installed at residential meters when they're installed and why do we need those and this.

MR. MIYABUCHI: The double check detector assemblies, typically again they're for, they're installed for fire purposes, for on-site sprinklers, on-site hydrants and whatnot. There may be provisions in the future where people are going to be required to install fire sprinklers for their new residential dwellings as part of the Fire Code. So when that happens part of the provision on our side would be again how do we monitor this, how do we monitor the flow going through, how do we protect our system from these on-site fire sprinkler systems. So one of the provisions that we are looking at is again just like this ordinance talks about, private fire lines with these double check detector assemblies located on them which is a singular separate service from the domestic side of it and these would go to serve specifically the on-site sprinkler systems. There is a, it's called a double check detector assembly because there is a bypass meter on

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there that we can read and we can monitor to see if any flows are going through there perhaps for other purposes besides firefighting purposes.

CHAIR BAISA: Thank you. Members, any further questions? Seeing none, chair is ready to make my recommendation.

VICE-CHAIR VICTORINO: Recommendation, Chair.

CHAIR BAISA: I will entertain a motion to recommend passage on first reading of a proposed bill entitled A Bill for and Ordinance Amending Title 14, Article 1, Maui County Code, Relating to Cross-Connection and Backflow Control and Water for Fire Service; and filing of County Communication 16-40.

VICE-CHAIR VICTORINO: Madam Chair, so moved.

COUNCILMEMBER COUCH: Second.

CHAIR BAISA: We have a motion by Mr. Victorino, seconded by Mr. Couch. Is there any further discussion? Seeing none, Chair will call for the vote. All those in favor, say "aye."

COUNCILMEMBERS: Aye.

CHAIR BAISA: Opposed no? Motion carries with six, with six "ayes" and no "noes."

COUNCILMEMBER COUCH: One excused.

CHAIR BAISA: Chair would like to thank you very, very much, Members. Yes, go ahead.

VICE-CHAIR VICTORINO: One excused.

CHAIR BAISA: Oh, one is excused. I'm sorry. Yes, Ms. Cochran is excused and let's hope that this...I'm looking out the window and the weather is getting worse.

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmember Cochran.

MOTION CARRIED.

ACTION: Recommending FIRST READING of bill and FILING of communication.

CHAIR BAISA: So the Chair, again, would like to thank everybody for coming this morning.

VICE-CHAIR VICTORINO: Madam Chair?

CHAIR BAISA: Yes?

VICE-CHAIR VICTORINO: We were gonna have Mr. Taylor do that one more time.

CHAIR BAISA: Mr. Taylor, do you want to do an update for us --

VICE-CHAIR VICTORINO: Please.

CHAIR BAISA: --before we close? Thank you, Mr. Victorino, for reminding me.

VICE-CHAIR VICTORINO: Thank you, Madam Chair.

MR. TAYLOR: Thank you, Madam Chair. And again for anyone watching, especially if it's a rerun, I'm saying this right now at about 11 o'clock on, I can't remember, what day was it?

VICE-CHAIR VICTORINO: Thirteenth. Today's the 14th.

MR. TAYLOR: On September 14 --

VICE-CHAIR VICTORINO: Yeah.

MR. TAYLOR: --Wednesday, so there's currently a boil water notice for all of Central Maui. That runs from Waihee, Wailuku, Kahului, all the way out to Paia, all the way out to Maalaea, Kihei, down to Makena. So anyone in those areas should not drink the water or use the water for any cooking purposes, including brushing teeth, unless that

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water is boiled for three minutes. It's fine to use that water for showering and that kind of thing but not to ingest that water. Any ice that's been made in the last, that's currently by automatic ice makers should also be thrown out. This was due to a break we had in our central system above Kepaniwai Park last night during the heavy rains, Wailuku River, formerly known as Iao Stream washed away a section of our pipe allowing river water and mud into our system. Our crews are currently flushing that out, taking samples system-wide. Because these samples have to be tested and cultured, for an organic standpoint, it takes overnight until we get the results. The boil water notice will go on until at least this time tomorrow or later; that's if everything's okay. If it turns out that there is a hit for something that's not supposed to be on there, it may go further. So please check the County website for updates. We'll issue press releases as things change. Everyone has service right now except the people in Iao Valley from Kepaniwai Park to the fork in the road. That water service should be brought online shortly and those people also will still have boil water notices. That is the status of where we are right now.

COUNCILMEMBER COUCH: Madam Chair?

CHAIR BAISA: Yes?

COUNCILMEMBER COUCH: He didn't mention before but there are a lot of people with reverse osmosis systems, should they boil their water coming out of that or should they flush those systems when your system goes, comes back?

CHAIR BAISA: Mr. Taylor?

MR. TAYLOR: Because I am not familiar with any of these individual systems that people have, my view is I just pretend they're not there. I don't know how they work, I don't know if they've been maintained. I would say even if you have one of those, boil the water for three minutes before you ingest it.

CHAIR BAISA: Okay. Mr. Couch, you okay?

COUNCILMEMBER COUCH: Yeah.

VICE-CHAIR VICTORINO: Madam Chair?

CHAIR BAISA: Mr. Victorino?

VICE-CHAIR VICTORINO: Just and again, thank you, Mr. Taylor. Thank you, Madam Chair, for allowing Mr. Taylor to give that update. And just for the public to know there is still a flash flood warning in existence right now for Maui County, in fact for much of the State because of this convection that where hot air is being drawn up from the south and causing these heavy downpours sporadically all over the place. So they're saying still keep an eye on the weather. Try to do as little traveling. If you don't have to go somewhere, don't go, and stay off the roads and hopefully with the good Lord's

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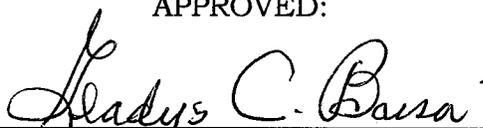
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will no more major damage will occur, Madam Chair. So that's the latest that I have on my posting here from the National Weather Service. Thank you, Madam Chair.

CHAIR BAISA: Terrific. We have a little bit more of an update that I'll share with the public because I'm sure the Members will get this in your mail. But reports about damages continue to come in in Maui County. All roads are open, but the rain has affected parks and other facilities. Residents may report damages at mauicounty.gov or by calling 270-7285. We have closures of Kepaniwai Park, Baldwin Park, Papalaua Wayside Park, Iao State Park, the Mala Ramp in Lahaina, and residents in Central and South Maui are again urged to boil water for three minutes before consumption. The State Department of Health has also said to get rid of the ice that was made last night. Department of Water Supply is also urging residents to conserve water in Wailuku, Kahului, and Lahaina. Residents in Lahaina in particular are asked to take measures immediately because the Lahaina Water Treatment Plant is not operating due to heavy rain. So there's a lot to look at. Please pay attention, read the paper, listen to the news, watch your alerts, and please stay off the road unless you have to go somewhere. The police and everybody, the emergency people, have more than enough to do so let's not give them any more excitement. I'd like to thank everyone who came today. Thank you for coming out in this inclement weather to be with us today. And I'd like to thank the Members that are here and wish Ms. Cochran well and let's hope that she's safe over in the end of Lahaina where all the...she's past Lahaina. And I'd like to thank Mr. Taylor and his Department for being here today, thank the engineers that are working so hard on this water meter list, and I'd like to thank my Staff. And without further business to handle today, this meeting is adjourned. . . .(gavel). . .

ADJOURN: 11:10 a.m.

APPROVED:



LADYS C. BAISA, CHAIR
Water Resources Committee

wr:min:160914

Transcribed by: Marie Tesoro

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CERTIFICATE

I, Marie Tesoro, hereby certify that the foregoing represents to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED the 5th of October 2016, in Wailuku, Hawaii

A handwritten signature in cursive script, appearing to read "Marie Tesoro", is written over a horizontal line.

Marie Tesoro