

BOARD OF WATER SUPPLY  
COUNTY OF MAUI

REGULAR MEETING  
MINUTES OF APRIL 20, 2018

The regular meeting of the Maui County Board of Water Supply was held at the Department of Planning Conference Room, 250 South High Street, Wailuku, Maui, on Friday, April 20, 2018.

CALL TO ORDER

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

ATTENDANCE

Members present: Anders Lyons, Chair  
R. Raymond Cabebe  
Joseph Aquino  
Shay Chan Hodges  
Dean Frampton  
Norman Franco  
Zoltan Milaskey

Staff present: Gladys C. Baisa, Deputy Director  
Jennifer Oana, Deputy Corporation Counsel  
Gaye Hayashida, Commission Support Clerk

ANNOUNCEMENT

Welcome New Board Members, Joseph Aquino and Dean Frampton

Member Aquino stated that he is originally from Molokai but now lives in Lahaina. He is with the ILWU.

Member Frampton said he previously served on the Real Property Tax Board of Review. He and his partner, Dave Ward, have a consulting company in Wailuku and they work a lot with the county and in particular the Department of Water Supply.

The rest of the board members and staff then introduced themselves to the 2 new members.

APPROVAL OF MINUTES

Minutes of March 15, 2018

Chair Lyons asked for a motion to approve the minutes of March 15, 2018.

Motion: Vice Chair Cabebe moved to approve the minutes of March 15, 2018

Second: Member Milaskey

Discussion: None

Vote: Unanimous. Motion carried. The minutes of March 15, 2018 were approved as submitted.

### TESTIMONY FROM THE PUBLIC

There was no public testimony at this meeting.

### COMMUNICATION

#### COM 18-01, Correspondence from the United States Department of the Interior regarding Downlisting the Hawaiian Goose (nene) from Endangered to Threatened

Ms. Oana stated that the board can place this matter on the next meeting agenda and at that time discuss it and then send the board's comments to the mayor. Or as individuals, each member can comment on this.

Deputy Director Baisa will do some research to see if the department has any procedures to deal with this and she will report back to the board.

Chair Lyons instructed staff to place this item on the next board meeting scheduled for May 17, 2018. He added that he is currently reviewing a Safe Harbor agreement for a client and he is concerned that this safe harbor has seen the population of nene go from 125 birds down to only 35 birds in the last 5 years. Also the population on Molokai has also gone down from 175 to 35 birds.

### OTHER BUSINESS

#### Report and discussion on Chair Lyons' and Vice Chair Cabebe's meeting with Council Member Atay

Vice Chair Cabebe reported that he and Chair Lyons met with Chair Alikea Atay of the Council's Water Resources Committee to discuss the board's proposed 3 tier agricultural rates. Tier 1: annual farm income of \$1,000 to \$5,000, they would pay 300% of the ag water rates. Tier 2: annual farm income of \$5,001 to 12,000, they would pay 200% of the ag water rates. Tier 3: annual farm income over \$12,001, they would pay the regular ag water rates. The idea behind this proposal is that people who don't do much farming are taking advantage of the department's ag water rates just because they qualify under the current criteria.

He added that Chair Atay believes the county as whole should have an agriculture inspector that the Planning Department, Real Property Tax and Water could rely on. Chair Atay suggested that the board's representatives meet with Chair Hokama of the Budget and Finance Committee to discuss the ag water rates.

For the benefit of the new members, Chair Lyons explained that this proposed tiered structure came about because the board was seeing a lot of people who were meeting the income requirements of \$1,000 but yet had only 5 papaya trees and 2 chickens while living on a quarter acre in Kihei. That didn't seem right for someone who actually was farming the land. So the board tried to find a balance between encouraging farmers and not allowing people to find loopholes in the law. It may not be a perfect ordinance but at least it is a vehicle to start a conversation.

Deputy Director Baisa added that at yesterday's budget meeting one of the things she suggested in her closing remarks to the council was doing a long overdue rate study. It would address this matter of the ag water rates. She also asked the board not to meet with Council Member Hokama at this time because he knows all about this rate study and what the department wants to do.

Ms. Oana suggested changing this from "Report and discussion on Chair Lyons' and Vice Chair Cabebe's meeting with Council Member Atay" to "Discussion on Ag Rates or Water Rates including Ag Rate" as an agenda item.

Chair Lyons recommended to keep this issue as a standing agenda item.

Discussion and possible action regarding drafting a letter to the mayor on gender diversity for boards and commissions

Member Chan Hodges stated that women are not equally represented on the county's boards and commissions even though women are 50% of the population. Part of the issue is encouraging women to apply. She believes that the more men you have on boards, the less likely women are going to apply, becoming a vicious circle.

Member Chan Hodges will draft a letter then send it to staff for finalizing.

Chair Lyons suggested that a copy of this letter should be sent to Mike Molina.

Discussion and possible action regarding Board communication to Mayor Arakawa urging resolution of Water Department director vacancy

Chair Lyons explained for the benefit of the 2 new board members, that the board has never been consulted or updated on this matter. He feels the department is at a disadvantage by not having a permanent director. The board is trying to balance between being an advocate for the department while not becoming targets of any legal action.

Ms. Oana stated that the county is in mediation with Mr. Taylor and a proposed settlement was sent to the Council's Parks, Recreation, Energy and Legal Affairs Committee. The proposed settlement was explained to the committee in executive session and then the committee deferred this matter.

She cautioned the board member not to comment or express their feelings on what they want the mayor to do in this matter. If they make statements or recommendations they may be brought into the case as witnesses. In that case, they would need to be represented by an attorney which they might have to pay for as the Corporation Counsel's staff will be representing the county.

Member Chan Hodges expressed her frustration that the board was given no information on what the issues were in this matter. She complained that the members were given no input or opportunity to ask questions. It seems to her that this matter was not handled in a transparent way.

The chair suggested that a letter be sent to the mayor expressing the board's concern about the director's position not being actively filled and the board would encourage a resolution as quickly as possible. Staff was asked to draft this letter

Motion: Member Frampton moved to have staff draft a letter to the mayor expressing their concern about the director's position not being actively filled and would encourage a resolution as quickly as possible.

Second: Member Franco

Discussion: None

Vote: Unanimous. Motion carried. Staff will draft a letter for the chair's review and approval to finalize and transmit to the mayor.

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

1. West Maui water reuse discussion with Department of Environmental Management, Waste Water Division.
2. Discussion on the Board's proposed Ag Water Rates. This will be a standing agenda item.
3. Further discussion on COM 18-01, Correspondence from the U. S. Department of the Interior regarding Downlisting the Hawaiian Goose (nene) from Endangered to Threatened.

4. Maui Island Water Use and Development, Chapter 14, Wailuku Aquifer Sector Area, and Chapter 15, Central Aquifer Sector Area

## DIVISION REPORTS

### March Division Operational Reports

Deputy Director Baisa reported that there is nothing unusual to report.

In the Upcountry Water Report, the department monitors the total storage every day. And with all this rain they have been doing very well. Hopefully, we may not have to worry about declaring a water shortage any time soon.

Member Franco noted that Waikamoi has less capacity than Kahakapau.

Chair Lyons explained that the 2 reservoirs at Waikamoi are smaller than at Kahakapau which has 2 reservoirs with a capacity of 50 million gallons each.

Deputy Director Baisa stressed the importance of the department doing long range planning and that is why she wants a strategic plan because Upcountry is going to be developed one way or the other.

She added that Director Taylor did a map of Maui with all the meter requests for the council. That map showed a majority of the requests came from outlying areas. The department needs to address the future needs for meters. She will get a copy of the map to share with the board members.

At the moment, there are 3 pumps down in West Maui. Currently, the Mahinahina plant is able to keep up with the demand and the department expects at the end of April one of those pumps to be back online.

## ELECTION OF CHAIR AND VICE CHAIR

### Nominations and Election of Board of Water Supply Chair

Chair Lyons asked for nominations for board chair.

Motion: Vice Chair Cabebe moved to nominate Anders Lyons for Board of Water Supply Chair

Second: Member Chan Hodges

At this time Chair Lyons moved on to the next matter.

### Nominations and Election of Board of Water Supply Vice Chair

The chair asked for nominations for board vice chair.

Motion: Vice Chair Cabebe moved to nominate Shay Chan Hodges for Board of Water Supply Vice Chair

Second: Member Milaskey

There being no further nominations for chair and vice chair, Chair Lyons called for a vote on these two motions.

Vote: Unanimous. By this unanimous decision, Anders Lyons remains the Chair and Shay Chan Hodges is the new Vice Chair.

ADJOURNMENT

There being no further business the regular meeting was adjourned at 9:55 a.m.

Prepared by:

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Gaye Hayashida  
Commission Support Clerk

Approved for distribution:

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Gladys C. Baisa  
Deputy Director