

BOARD OF WATER SUPPLY
COUNTY OF MAUI

REGULAR MEETING
MINUTES OF OCTOBER 18, 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 Thursday, October 18, 2018.

CALL TO ORDER

The meeting was called to order by Chair Lyons at 1:30 p.m.

ATTENDANCE

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

Members excused: Joseph Aquino
Sylvia Ho

Staff present: Alex DeRoode, Planner VI
Benjamin "Alex" Buttarro, Planner IV
Edward S. Kushi, Jr., First Deputy Corporation Counsel
Gaye Hayashida, Commission Support Clerk

APPROVAL OF MINUTES

Minutes of September 20, 2018

Chair Lyons asked for a motion to approve the minutes of September 20, 2018.

Motion: Member Milaskey moved to approve the minutes of September 20, 2018

Second: Member Nakashima

Discussion: None

Vote: Unanimous. Motion carried. The minutes of September 20, 2018 were approved.

PUBLIC TESTIMONY

There was no public testimony.

UNFINISHED BUSINESS

Discussion and possible action regarding the Maui Island Water Use and Development Plan

Discussion on proposal for District Water Use and Development Plan Public Hearings

Chair Lyons informed the members that they cannot meet any sooner than 30 days after a notice is published in the Maui News. He was hoping to get most of meetings done in November but it looks like that is not going to happen.

The chair asked if the board could get an extension on the 180-day period and Mr. Kushi replied that the 180-day review period is for the board to hold public meetings to get input on the plan. And based on the public input the board then forwards their comments to the department. The department then sends the plan with the board's comments to the county council.

Vice Chair Chan Hodges explained that the notice to the public should be clear that the board is not going to present information again at these meetings. These meetings are to get feedback from the community about the plan that is online. This should be made clear to the public and what staff will be presenting is what is in the plan for that particular district.

Mr. Kushi added that there will be a court reporter at these meetings so there will be recorded testimony to refer back to.

Chair Lyons explained that staff suggested the following 5 districts:

Kahului/Wailuku District
Kihei District
Lahaina District
Hana District
Upcountry District

The chair asked Mr. Kushi if he could poll the members outside of a meeting for member availability for these hearings. Mr. Kushi stated yes, he is allowed to do so.

Mr. Kushi suggested that a notice listing the date, time and location of all the meetings could be published at least 2 times in the newspaper. He mentioned that if the Water Resources and Planning Division had a mailing list of attendees from

their own community meetings then the notice of the Board's public meetings could be mailed out or emailed to these people.

Mr. Kushi noted that to have a meeting you need a quorum. But if there is no quorum, Sunshine Law does state the meeting can proceed to receive testimony but no interaction with the testifiers is allowed. This would turn the public hearings into a "TIG" (temporary investigative group) and add another couple of months to the process, so the board should try to make sure there is a quorum at each meeting.

The board members agreed that the Hana meeting will be the first meeting for the week of November 26th and then working towards the Central area will be the rest of the meetings. The following week in December would finish the last of the meetings.

Member Franco suggested that they should carpool or have ground transportation provided so that no one will be driving in and out on their own.

Discussion on Draft Updates as submitted from the Commission on Water Resource Management Staff

Mr. De Roode noted that CWRM staff submitted some changes but these changes have been for formatting and presenting the data a little differently but there were no substantive changes. These changes do not affect the strategies.

Discussion and possible action regarding Water Rates Including Agriculture Water Rates

This is a standing agenda item. Chair Lyons noted that the department has asked this board not to pursue this matter yet as staff is still in discussion with the council.

OTHER BUSINESS

Discussion and possible action regarding Maui County Council's Resolution No. 18-149, Referring to the Maui, Molokai, and Lana'i Planning Commissions and the Board of Water Supply A Proposed Bill Amending Title 19, Maui County Code, Relating to Wellhead Protection

Mr. Kushi stated that this was submitted to the planning commissions because it is a Title 19 issue, a zoning matter. This is a zoning overlay ordinance so it has to go to the planning commissions. He believes this issue is out of the Board's hands. The council has reviewed this and has pushed it to the planning commissions so the process has started. He recommended that the Board "leave well enough alone" because the plan is being processed.

Chair Lyons agreed and said that this matter will be deferred to "some later" date.

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

1. Upcountry Meter List, specifically are there county resources (funds) to help applicants with the cost of doing the improvements required by the DWS. This will be placed on November agenda
2. Division Reports - have staff provide an overview of these reports, specifically what the reports mean.
3. Engineering staff to report on how the department can give out more meters.
4. Upcountry meter list progress as a standing agenda item to be placed under Director's Report.
5. Temporary construction meters for the use of dust control to be placed on November agenda.

DIVISION REPORTS

September Division Operational Reports

This matter was deferred to the next meeting

ADJOURNMENT

There being no further business the regular meeting was adjourned at 2:30 p.m.

Prepared by:

Gaye Hayashida
Commission Support Clerk

Approved for distribution:

Gladys C. Baisa
Director