

BOARD OF WATER SUPPLY  
COUNTY OF MAUI

REGULAR BOARD MEETING  
MINUTES OF JANUARY 16, 2020

The regular meeting of the Maui County Board of Water Supply was held at the Planning Department Conference Room, First Floor, Kalana Pakui Building, 250 South High Street, Wailuku, 96793, on Thursday, January 16, 2020.

CALL TO ORDER

The meeting was called to order by Chair Shay Chan Hodges at 1:31 p.m.

ATTENDANCE

Members present: Shay Chan Hodges, Chair  
Zoltan Milaskey, Vice Chair  
Joseph Aquino  
Antonette Eaton  
Dean Frampton  
Norman Franco  
Dr. Hanna Mounce  
Nalani Kaninau

Members excused: Buddy Nobriga

Staff present: Jeffrey Pearson, P.E., Director  
Mimi Desjardins, Deputy Corporation Counsel  
Eva Blumenstein, Planning Program Manager  
Holly Ho, Fiscal Division Head  
Noreen Saito, Commission Support Clerk

Cablecast: AKAKU, Maui Community Media

APPROVAL OF MINUTES

Minutes of December 19, 2019

Motion: Member Milaskey moved to approve the minutes of December 19, 2019

Second: Member Frampton

Discussion: Chair Chan Hodges stated on page 12, Counsel should be Council. Page 12 and 13, FCC should be SEC, Security Exchange Commission. Page 14 the discussion between member Milaskey and Chair Chan Hodges regarding time restrictions, that there are no time restrictions.

Vote: Unanimous. Motion carried. The minutes of December 19, 2019 were approved.

### TESTIMONY FROM THE PUBLIC

Anders Lyons gave public testimony on the proposed Tiered Ag Rate ordinance that the board had while he was on the Board of Water Supply.

He stated the reasons why the board felt the tiered system might be useful. Four years ago it was conveyed to the County Council twice with no further action.

Dick Mayer testified on community's request to have the Temporary Investigative Group Report explained to them and broken down into a summary of the major recommendations, implications of what is being said and the alternative directions that the Board of Water Supply, the Department of Water Supply, and the County of Maui should go in regards to that.

Secondly in regards to upcoming agendas and his document with questions to the Department of Land and Natural Resources he passed out. One of the most important item is the auction of the East Maui water leases.

### V OLD BUSINESS

- A. Director's presentation of a list of source water agreements between the Department of Water Supply and private water purveyors, including the expiration date of the agreements.

Director Pearson spoke in reference to his list of agreements on 1) Maui Land & Pineapple's second amendment that will expire on February 21, 2020. This is discussed more on this agenda V item B. 2) A&B/Mahi Pono's EMI Water Delivery Agreement and Upcountry Maui Agricultural Park Water Delivery Agreement and 3) Wailuku Water Company's Iao/Waikapu Ditch third amendment and Tunnel Water Use.

B. Maui Land & Pineapple's source water agreement with the Department of Water Supply.

Director Pearson suggested keeping this on the agenda for February. He provided MLP with a draft and has a meeting next week with Paul Subrata. Director feels comfortable that we will have an agreement by the deadline of February 20, 2020.

C. Department of Water Supply's 2021 CIP and Operations Budget.

Chair Chan Hodges stated they had the CIP and Operations Budget presented and after consulting with Corp Counsel found that it is the Board of Water Supply's job to transmit the budget to the Mayor with comments.

Holly Ho presented a summary of each division of the budgeted, adopted, proposed budget and changes from each of the Department of Water divisions.

Member Frampton spoke about increasing the Engineering budget to help meter list. Other members brought up additional issues.

Chair Chan Hodges suggested writing a letter to the Mayor transmitting the budget with Board Members recommendation.

Motion: Member Franco moved to approve letter to the Mayor transmitting the budget with additional thoughts.

Second: Member Frampton

Discussion:

- Restructuring of domestic and agricultural water rates.
- Addressing infrastructure leaks and encouraging individual conservation behavior.
- Broader adaptations for climate crisis planning.
- Increasing the engineering budget to clear water meter list .
- Potable water for agriculture.

Vote: Unanimous. Motion carried.

D. Designation of Board members to conduct presentations of the Board's report entitled "Board of Water Supply Temporary Investigative Group, dated October 17, 2019, as amended and approved December 19, 2019".

Chair Chan Hodges stated she received several requests to present the Temporary Investigative Group Report.

Deputy Corp Counsel Mimi Desjardins stated only 2 members can go at a time. You do not need to designate which two those are unless the board wants too. They have the authority to represent the TIG and the entire board and report

back to the board on who they presented too and the outcome. In reference to Sunshine Law §92-2.5

Motion: Member Franco moved to do this by formal request and summarized TIG Report be approved by the entire board before going out and talk about the TIG.

Second: Member Eaton

Discussion: Member Franco stated whoever wants any member of the board, not more than four to speak to community association about the TIG would make a formal request to BWS. That before venturing out get the summary done to help people understand the TIG Report and that it be approved before it gets done.

Vote: Unanimous. Motion carried.

#### OTHER BUSINESS

- A. Presentation by Eva Blumenstein regarding watershed grants, including requests versus funds approved, information about what funding is for, and any performance measures.

Eva to send Noreen a list from her presentation of all the partnerships being funded to share with the BWS.

- B. Regarding the request by Asghar Sadri to appear at the March 19, 2020 contested case hearing via telephone or other remote means.

Deputy Corp Counsel Mimi Desjardins will work with Deputy Corp Counsel Caleb Rowe and gather more information.

Motion: Member Frampton moved to allow it assuming that the Chair will work with the department and appellant.

Second: Member Eaton

Discussion: Member Mounce stated Deputy Corp Counsel's statement was not clearly captured. As a side note the video is preferable.

Vote: Unanimous. Motion carried.

C. Discussion of Six-Month priorities list.

Chair Chan Hodges stated everyone should prioritize their own subject and in the next meeting decide which topic to discuss first, second, third, etc.

D. February 2020 Meeting.

- i. Presentation by Corporation Counsel of a summary and analysis of the current agreement between DWS and EMI/A&B/Mahi Pono.

Deputy Corp Counsel Mimi Desjardins stated it says Corporation Counsel because it might be that Jennifer Oana may be the more appropriate person do the summary and analysis but wasn't able to verify her schedule.

- ii. Director's update regarding January 23, 2020 meeting with Agricultural Working Group regarding the use of chloramines.
- iii. Chair Chan Hodges added, discussion with Ian Hirokawa (DLNR) to discuss issues concerning long-term leases.
- iv. Chair Chan Hodges added, Maui Land & Pineapple's source water agreement with the Department of Water Supply.
- v. Chair Chan Hodges will keep the Wailuku Water purchase for February's agenda.
- vi. Chair Chan Hodges added the Temporary Investigative Group Report's one to two page summary.
- vii. Member Eaton requested Deputy Corp Counsel Caleb Rowe to explain about the 1938 agreement between the Territory of Hawaii and EMI.

Deputy Corp Counsel Mimi Desjardins will speak with Deputy Corp Counsel Caleb Rowe to see if he is able to address this.

DISCUSSION

No other discussions.

DIVISION REPORTS

December Division Operation Reports (copies available upon request)

There was no further discussion on this matter.

Board of Water Supply  
Minutes of January 16, 2020

NEXT MEETING DATE AND TIME

February 20, 2020  
1:30 p.m.  
Planning Conference Room

ADJORNMENT

There being no further business the regular meeting was adjourned at 3:30 p.m.

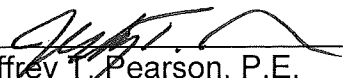
Prepared by:



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Noreen Saito  
Commission Support Clerk

Approved for distribution:



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Jeffrey T. Pearson, P.E.  
Director