

BOARD OF WATER SUPPLY  
COUNTY OF MAUI

REGULAR BOARD MEETING  
MINUTES OF SEPTEMBER 17, 2020

The regular meeting of the Maui County Board of Water Supply was held virtually on BlueJeans, on Thursday, September 17, 2020.

I. CALL TO ORDER

The meeting was called to order by Chair Shay Chan Hodges at 1:32 p.m.

II. ROLL CALL

Members present: Shay Chan Hodges, Chair  
Joseph Aquino  
Antonette Eaton  
Dean Frampton  
Norman Franco  
Nalani Kaninau  
Buddy Nobriga

Members excused: Zoli Milaskey, Vice Chair

Members absent: Harolen Kaiwi

Staff present: Jeffrey Pearson, P.E., Director  
Mimi DesJardins, Deputy Corporation Counsel  
Sherilyn Otsubo, Commission Support Clerk

Cablecast: Video conferenced via BlueJeans and viewable on AKAKU, Maui  
Community Media

IV. APPROVAL OF MINUTES

Minutes of August 20, 2020

Motion: Member Franco moved to approve the minutes of August 20, 2020.

Second: Member Kaninau

Discussion: Chair Hodges mentioned that on page 4, under Other Business, the sentences "Director Pearson responded that he is not involved with the acquisition. He hasn't heard anything in the last few months from the Mayor's Office or Corporation Counsel." should be removed.

The sentence stating that Member Frampton left the meeting should be placed before Unfinished Business.

Add that the meeting is available for viewing to all of the minutes.

Vote: The motion was adopted as amended.

#### Minutes of September 1, 2020

Motion: Member Franco moved to approve the minutes of September 1, 2020.

Second: Member Aquino

Discussion: None

Vote: The motion passed unanimously.

#### V. TESTIMONY FROM THE PUBLIC

Lucienne de Naie: Ms. de Naie is happy that the board is looking into the Wailuku Water purchase. She thinks it would be a good idea to get a legal opinion because the water use permit applications go with the TMKs and Wailuku Water had water use requests pertaining to the lands and the system of about 3 million gallons a day. If this was considered in the appraisal process then the 3 million gallons a day allotment would go to the County and the County would decide what to do with the water.

#### VI. UNFINISHED BUSINESS

There were no objections to moving items D and E to the top of Unfinished Business.

D. Professor Meagan Jones shared that she is from the Sustainable Science Management Program at UH Maui College and she's glad that the board is exploring ways that the students can get involved in more hands-on opportunities related to natural resource management. The four-year degree is comprised of the core curriculum in sustainability science and natural resource management along with the basic foundation in the biological sciences and liberal arts. These students are required to get additional experience through upper division internships. This allows them to gain opportunities to apply the skills they gained academically in the program, in a work setting. They also have a 2-semester capstone project during their senior year where they conduct an in-depth analysis of a sustainability issue using the tools they learned.

Member Aquino asked Professor Jones about the water quality testing and if that meant testing beaches and ocean water. He also asked if sustainability meant maintaining what exists or being sustainable to make changes.

Professor Jones said the college is not doing the testing, but they're helping their community partners to analyze samples that they are collecting. When looking at sustainable use of our natural resources, she said that we have a great opportunity to look at what may not be working that are sustainable for our generation but for future generations.

Member Franco is interested in an analysis of the Wailuku Water Company and mentioned that one project could involve a group of students who would analyze the different components of a business and their specific goal would be the financial feasibility of the County taking over the water system. Member Franco said that he is willing to work with the students and he can set up the different components.

Chair Hodges said that the board will keep a list of internship ideas with someone on the board who can be a mentor to the project and Professor Jones can find students who are interested in those ideas.

E. Professor Jones mentioned that she would want to work with a board member who would explain the Orientation Manual project and work with the students. Following that, the board member would bring the draft manual back to the board for discussion and adoption. Member Kaninau volunteered to mentor this project.

Director Pearson submitted a list of site visits. Chair Hodges asked the board to prioritize and rank which site they are interested in visiting for the next meeting.

Deputy Corporation Counsel DesJardins mentioned that due to the pandemic, the emergency proclamation does not allow in-person meetings. You should also need to check with the Director about the status of visiting certain sites.

A. Director Pearson had no update with the Agricultural Working Group.

B. Director Pearson had no update with the Maui Land and Pineapple agreement. Discussions are continuing but no progress has been made.

Chair Hodges asked how long have they been acting without a contract.

Director Pearson said that he has been working on it for about a year. The agreement expired in February 2020.

Member Kaninau asked about repercussions for operating without an agreement and who is holding up the process.

Director Pearson said that there could be repercussions, but he feels they have a good working relationship with Maui Land and Pineapple. It's been difficult to keep the process moving, but he continues to communicate with them.

C. Chair Hodges said that Mr. Yamamura was present at the last meeting to answer the board's questions and he also sent in his written responses. Member Franco stated that Mr. Yamamura is a very capable appraiser but due to the parameters that he was given by the County, he doesn't feel the report fully answers what will be acquired through the purchase. Therefore, Member Franco feels a new appraisal should be done by an MAI appraiser.

Member Nobriga asked what the board would be trying to accomplish by getting another appraisal.

Member Franco responded that we would get a more comprehensive report of what the County is purchasing and what the maintenance cost of the system would be.

Member Nobriga stated that the County would be responsible for maintaining it. The price of water is invaluable. The cost would only increase the longer the County takes to purchase it.

Member Frampton asked Director Pearson about the status of the potential sale.

Director Pearson said that as far as he knows, it's not moving, but it's being handled by the Administration.

Chair Hodges mentioned that she doesn't understand why the Department of Water Supply is not involved with the purchase process.

Member Frampton asked for clarification on what the board's role is and what is the board's intent.

Chair Hodges said that this is a water issue and a community issue and the board should represent the community. She would like the board to consider sending a letter to the Mayor's office requesting another appraisal.

Member Kaninau requested for a presentation from Hui O Na Wai Eha.

Member Franco said that a letter should still be sent to the Mayor and the County Council stating that this needs to be thoroughly reviewed and that a new appraisal may not be necessary, but there are elements in the current appraisal that needs to be addressed.

Chair Hodges suggested asking someone from the Mayor's office to present the status of the purchase to the board at the next meeting.

F. Chair Hodges mentioned that the WUDP was not on the September 11, 2020 Council agenda, so the letter was sent to Chair Lee. The last we've heard is that the item will be placed on the September 25<sup>th</sup> agenda.

Chair Hodges and Director Pearson received invitations to the Haiku Community Association's virtual townhall meeting to discuss the concerns of the residents.

The board agreed that Chair Hodges should attend as an individual to explain the process that took place.

## VII. OTHER BUSINESS

A. Chair Hodges mentioned that the Six-Month priority list keeps growing. She reached out to Councilmember Sinenci's committee and he agreed to provide a presentation, but due to the pandemic, things got pushed back. Beneficiary consultation on East Maui reservations, Sunshine Law training, Rules of the BWS training and a Na Wai Eha presentation were all added to list.

Director Pearson said that the rate study should be ready and the consultants should be prepared to present it to the board at the November meeting.

Member Kaninau said that the Na Wai Eha presentation is her priority.

Member Frampton said that his priority would be the Department of Hawaiian Homelands and East Maui water.

## VIII. DIVISION REPORTS

Director Pearson called a Stage 1 water shortage for West Maui and Upcountry. In Upcountry, the two large 50 million-gallon reservoirs are at 25%. They reduced the amount that is treated from the upper Olinda plant that draws from the two 50 million gallons and they reserve water for fire protection and for the homes on upper Olinda Road. Then water is taken from Kamole and Piiholo and it's pumped up to the Olinda system. Hamakuapoko Wells are only used in drought and they're ready to go if needed. Due to little rain in West Maui, rain doesn't get into the stream and it doesn't get diverted to the treatment plants.

Member Kaninau asked if there has been a reduction of water usage since the resorts have closed in Kaanapali and Kapalua.

Director Pearson responded that they both use private water systems so he doesn't know.

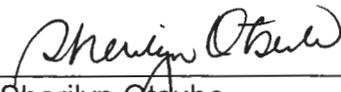
Member Franco asked about public service announcements and how the public is being informed about the importance of the cutback in water usage.

Director Pearson responded that public service announcements haven't been done in a while but that the Maui County Code requires that a notice be put in the newspaper every week regarding Stage 1 water shortages.

#### ADJOURNMENT

There being no further business the regular meeting was adjourned at 3:18 p.m.

Prepared by:

  
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Sherilyn Otsubo  
Commission Support Clerk

Approved for distribution:

  
\_\_\_\_\_  
Jeffrey T. Pearson, P.E.  
Director