

BOARD OF WATER SUPPLY  
COUNTY OF MAUI

REGULAR BOARD MEETING  
MINUTES OF FEBRUARY 17, 2022

The regular meeting of the Maui County Board of Water Supply was held online via BlueJeans, on Thursday, February 17, 2022. Recordings of the meetings are viewable at <https://www.akaku.org/boards-commissions/>.

I. CALL TO ORDER

The meeting was called to order by Chair Dean Frampton at 1:32 p.m.

II. ROLL CALL

Members present: Dean Frampton, Chair  
Nalani Kaninau, Vice Chair  
Norman Franco (joined at 1:34 p.m.)  
Buddy James Nobriga  
Antonette Eaton  
Jason Hew  
Juanita Reyher-Colon

Staff present: Jeffrey Pearson, P.E., Director  
Keola Whittaker, Deputy Corporation Counsel  
Sherilyn Otsubo, Secretary to Boards/Commissions

III. APPROVAL OF MINUTES

Member Eaton asked for clarification on page 8 regarding her motion. In the minutes, Chair Frampton said that if there's four votes in favor of the motion he wouldn't hold up the process. Since there were five members present, the chair could have voted no and the motion would have passed.

Deputy Corporation Counsel Whittaker stated that according to the Administrative Rules, the majority is determined by the number of seats on the board, not the numbers of members present at the time. The minutes are correct as written.

Chair Frampton apologized that we didn't have time to put this on the agenda and it can be put on a future agenda.

Member Eaton said that although the board voted unanimously to send a letter to CWRM supporting the designation, the letter that Chair Frampton sent on February 14<sup>th</sup> expressed his own personal views against the designation, which was not representative of the motion or voted on by the board. She would like this to be added as a footnote to the January 20<sup>th</sup> minutes.

Deputy Corporation Counsel Whittaker said this can be put in future minutes, but

not on the January 20<sup>th</sup> minutes since it did not take place during that meeting. The board secretary sent an email to the members from Chair Frampton about the letter, but to be careful and not discuss this because it wasn't agendaized.

Member Eaton asked to have this on next month's agenda.

Chair Frampton said yes.

Member Franco moved to approve the minutes of January 20, 2022. Member Reyher-Colon seconded the motion. Member Nobriga was not at the last meeting. The motion passed with 5 ayes.

#### IV. TESTIMONY FROM THE PUBLIC

There was no public testimony and public testimony was closed at 1:40 p.m.

#### V. UNFINISHED BUSINESS

##### A. Presentation by Councilmember Keani Rawlins-Fernandez on water rates and rate structure.

Councilmember Rawlins-Fernandez did a power point presentation about setting a new water rate category (attached). There are policies reflected in the rate design. The department, the council and the consultant all work together to achieve overall rate objectives, which is to ensure rate stability, conservation, equity, affordability, and ease of administration. For the Single-Family water rate category, there is a fourth block intended to target discretionary (outdoor) water use from the highest water users to encourage further conservation. General Use does not have a fourth block, so it's capped at the third block which is over 15,000 gallons per month and serves to recognize that higher usage from General Use customers is more likely a function of size of operation rather than discretionary water use, and thus, higher unit costs might inadvertently penalize larger scale operations. For Agriculture, the third block rate is lower, serving as a subsidy for the class consistent with historical practice. Non-Potable Agriculture has a single block rate, set low, recognizes that non-potable water costs less to produce than potable water and also provides a subsidy for the class consistent with historical practice.

In meeting with the department, they outlined a pathway to creating a new category. The first step is to describe the goal or objective of the proposed category, define the category of customers, develop a rate design, work with a contractor to update the software, the contractor would test the software, and the department would adjust to the new category. This process would take about a year and a half. If there is a new category established then the department will need to do another water rate study.

The department has some reservations about adding a new category because they want to be sure they can generate enough revenue to cover its operating costs, CIPs, and all of its expenditures.

Member Franco said that it seems like the resorts are getting preferential treatment and the rich people in Wailea can water their lawns without any kind of problems because they have a different water system. But if we want to take a conservative approach, it shouldn't matter where the water is coming from, but how it's used. To be fair, if Upcountry has to conserve then Wailea and Kapalua should conserve as well.

Councilmember Rawlins-Fernandez agrees, but it doesn't seem like the egregious users will willingly conserve more. One way to encourage and motivate them to use less is to increase the cost. If we increase the costs and generate more revenue, then maybe we can provide more water to Upcountry.

Member Reyher-Colon asked what her timeframe is and where she is in that timeline.

Councilmember Rawlins-Fernandez replied that what you see is where she is in developing this new category, if this is something the board wants to pursue. She's been doing the research to figure out how this can be done. Together we can figure out what this new category will be and who should be in it, and then create a definition. The board can send it to council and council can approve it and pass it into law. Then the department would work with a contractor to develop the software, which would take about a year. It would be about two to three years from implementation.

Chair Frampton said that he's hopeful that we could employ a method of encouragement versus punitive for the egregious users. Two good things happen, people will have a choice and we're encouraging conservation, and there is a lot of R-1 water in South Maui and the idea of getting water to the resorts for irrigation could free up a lot of water that could be used for affordable housing.

Vice Chair Kaninau appreciates the councilmember's work on this, but she doesn't want to punish the egregious users, however they should pay for the privilege of using and abusing our precious resource.

Member Nobriga asked if permitted Airbnb's fall under residential or another general use.

Councilmember Rawlins-Fernandez said she doesn't know. She also hears some reservation in the member's comments and wanted to remind them that during the shutdown, the Grand Wailea used more water in 2020 than they did in 2019. We are giving them a huge discount at the expense of our community.

Director Pearson said that he has committed to working with the Department of Environmental Management on infrastructure improvements to expand our R-1 use. The hard part is getting projects where he can commit dollars to provide funding to offset potable needs. He thanked Councilmember Rawlins-Fernandez for coming up with ideas and different ways of producing revenue and hopefully reducing use.

## VI. OTHER BUSINESS

### A. Discussion by the Department of Water Supply on water leak monitoring.

Chair Frampton said that this item came from an appeal from a constituent in South Maui. He said there was a leak and the appellant felt that he should have received more assistance from the county. Part of the board's decision in the appeal was to ask the department to talk about what they do for leaks.

Director Pearson shared that he received information from the Field Operations Division and they have a leak detection crew with two employees. They locate and mark out the water lines and locate the possible leaks. They use a toning machine called a Metrotech to help them locate the water lines. Then they use a subsurface leak detector to locate the leaks. They also use correlator loggers to track and log excessive water use in specific areas. They locate and mark out approximately 8,000 feet of water line and approximately ten leaks per month.

The Engineering Division evaluates the age of the pipes, the type of material the pipes are made of, and they look at the pipes with the most potential for leaks. The department recently got a contract with Utilis to investigate leaks using a satellite technology.

Member Hew asked about the leak detection crew and what proportion is customer driven versus just going out and doing leak detection throughout the system.

Director Pearson said he doesn't know, but if it's customer driven it means that the leak is already there so they don't need to look for it. Their billing system is also programmed to flag high usage and if it's continuous for a couple months, they'll call the customer themselves.

## VII. DIVISION REPORTS

Director Pearson said that the Kona low storm wiped out the Kula transmission line and at least four gulch crossings. High flows brought in a lot of trees and trash which wiped out the pipe. The department made a few mistakes. They didn't call the boil water notice immediately and they weren't aware of how much bacterial material went into the pipes. They did sampling and learned that there was total coliform and E Coli. Communication was handled poorly and the department is working on improving it. About a week ago they isolated the last area on Waipolipoli Road, and removed the boil water notice for the entire area. Since the damage, the Field Operations Division did a great job with putting in the temporary plastic pipe in order to get water flowing again on that transmission line. Now they have done some permanent repairs and improvements at the gulch crossing. In their FY 2023 budget, they included \$5 million for design and construction to do other repairs.

Member Hew said that he appreciates the work the Field crew has been doing around the clock to get problems fixed. He also asked about the institutional knowledge of where certain valves and laterals run within the crew.

Director Pearson replied that it's not completely institutional. The guys may not have known, but there are as-builts of this transmission line from about 1960. They are scanning construction plans to make access to the information easier.

Member Nobriga asked if we can identify other areas that might face the same problems ahead of time, if there is another storm.

Director Pearson replied that there could be some that are hiding and the department hasn't got to them or realize that they could be addressed.

## VIII. NEXT MEETING DATE AND TIME

Contested Case Hearing: March 17, 2022 at 9:00 a.m.

Board Meeting: March 17, 2022 at 1:30 p.m.

Chair Frampton mentioned that he sent an email apology to the members. At the last meeting, only five members were present when they discussed the designation of the Lahaina Aquifer Sector. In order to pass the motion that four members were clearly in support of, he had to vote against what he felt was right and he expressed himself at the meeting and it should have stopped there. He drafted a letter on behalf of the board and in it he included his opinions, which was wrong, but at the time he thought it was right. Member Eaton questioned him about it and he pushed back mainly because he did not vote his conscious, but that was wrong and he apologized in his letter.

Member Eaton said that the vote has become an issue. There were five members and five votes were need to pass the motion, but we don't have a full board. With seven members currently on the board, wouldn't four votes be the majority?

Deputy Corporation Counsel Whittaker said that you need a majority of the seats that are allotted to the board and he will look for the Administrative Rules that cite that. You run into problems when a board doesn't have its full membership.

Member Eaton stated that she and the chair did go back and forth, and at the end, he did apologize, but as a board, we are here for the people and we need to listen to their concerns. The letter that was sent on the 14<sup>th</sup> did not express the public's concerns, but she accepts the chair's apology. Deputy Manuel acknowledged during the CWRM meeting that they received the board's letter, and fortunately the designation did pass.

Chair Frampton said that he would prefer not to vote and if one more member had been present then this issue wouldn't have happened, but he thanked Member Eaton for her understanding.

Member Reyher-Colon mentioned that she was also upset when she read the letter and she contacted Deputy Corporation Counsel Whittaker about it. She asked that letters be reviewed by the board before officially being sent out to avoid being blindsided.

Member Franco said that it's unfortunate that more people don't give their time for public service. Next month will be his and Vice Chair Kaninau's last meeting so there will be four vacancies. He also brought up two agenda items. One is to work on a system for the water meter waiting list. The other item is to have Alan Mendes present his request to have the county buy water from his two water wells in Kahakuloa.

Vice Chair Kaninau mentioned that understanding new source development is critical to understanding what the parameters are to move forward.

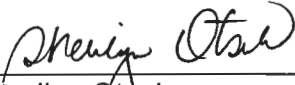
Member Nobriga said that he's open to having multiple meetings next month in order to tackle some of these issues.

Ipo Mossman, Community Liaison, Office of the Mayor, said that the upcoming vacancies for Member Franco and Vice Chair Kaninau have been filled and they are going through the mass nomination process with council which begins on February 22<sup>nd</sup>. One of the other vacancies has just been approved, and the last vacancy has a nominee selected by the mayor and will begin the approval process.

## IX. ADJOURNMENT

There being no further business, the regular meeting was adjourned at 2:53 p.m.

Prepared by:

  
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Sherilyn Otsubo  
Commission Support Clerk

Approved for distribution:

Digitally signed by Helene Kau  
Date: 2022.03.17 14:59:03 -10'00'

For Jeffrey T. Pearson, P.E.  
Director