

BOARD OF WATER SUPPLY  
COUNTY OF MAUI

REGULAR BOARD MEETING  
MINUTES OF DECEMBER 15, 2022

The regular meeting of the Board of Water Supply was held online via BlueJeans and physically at the Kalana Pakui Building Conference Room, 250 South High Street, Wailuku, Hawaii 96793. 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 Buddy Nobriga at 2:00 p.m.

II. ROLL CALL

Members present: Buddy James Nobriga  
Dean Frampton  
Edwin Lindsey  
Antonette Eaton  
Donna Sterling (2:06 p.m.)  
Juanita Reyher-Colon  
Ralph Thomas

Members excused: Jason Hew

Staff present: Helene Kau, Director  
Keola Whittaker, Deputy Corporation Counsel  
Sherilyn Otsubo, Board Secretary

III. APPROVAL OF MINUTES

Member Reyher-Colon moved to approve the minutes of October 20, 2022 and November 9, 2022. Member Eaton seconded the motion. The motion passed unanimously.

IV. UNFINISHED BUSINESS

A. There was no public testimony. Testimony was closed at 2:03 p.m.

B. Discussion with Corporation Counsel regarding the Board of Water Supply Meeting and Contested Case Hearing schedule.

The board secretary stated that at the last meeting Chair Nobriga had a concern about contested case hearing being held on BlueJeans only. Also, if it's possible to hold BWS meetings at other locations.

Deputy Corporation Counsel Whittaker said that hearings can be held in the conference room as well as on BlueJeans. As far as location, there is another

conference room at the service center in Kahului, however it's not as convenient for staff because they need to travel there.

Member Reyher-Colon asked how much of an advanced notice is needed to reserve the conference rooms?

Deputy Corporation Counsel Whittaker responded with as much notice as possible since the rooms get taken pretty quickly and there is a limited number of rooms where we can do hybrid meetings.

Member Reyher-Colon asked if the room can be reserved for the three scheduled contested case hearings.

## V. OTHER BUSINESS

A. There was no public testimony. Testimony was closed at 2:12 p.m.

B. Discussion with the Department regarding the status of the Upcountry Water Meter List.

Chair Nobriga's intent is to have this on the agenda through March to see what the board can do to dissect our current Upcountry water meter list and waiting list situation.

Wendy Taomoto responded to Chair Nobriga's first question of how many water meters have been issued in the last ten years, five years and each year: 2019, 2020, 2021 and 2022. Since January 1, 2018, the status of the meter list is as follows: 304 properties were offered meters. 161 declined the meter offer and 143 accepted the meter offer. Out of the 143, 80 properties reserved meters and as of today, 63 properties had meters installed. Some properties have multiple meters.

The next question was, is the department hindered with staffing shortages and has that played any role in the water meter process? Within the East district an engineer's daily responsibilities include the review and approval of building permit applications, subdivisions, water service requests and construction plans for the various types of permits and developments. The engineers in this section, which are Jase Miyabuchi and another engineer, also handle daily customer inquiries by phone, email and walk ins, complaints, project status updates and everything else for their district. This is all in addition to the review and offering to properties on the Upcountry water meter list, which Jase does himself. The shortage of engineers, which is two positions, severely hampers the district's ability to accomplish these daily tasks. The total number of reviews exceeds the current level of staffing to currently meet our fiscal goal of 80 properties on the list that are offered water meters.

Chair Nobriga asked if there is a reason why people are declining the meter.

Mr. Miyabuchi responded that sometimes they don't respond at all, maybe the improvements that are required are too much, maybe they're not ready at the time.

Sometimes they call the department for clarification and some say they can't do all the requirements or they can't afford it.

Member Frampton asked if consideration has been given to clustering and mapping and looking at applicants that reside in the same area to see if a number of residents could work together.

Ms. Taomoto said that former Director Taylor exhausted that with trying to get the council to consider the priority of the order. We have to see if the new administration would take it up, but the new director would also need the experience to navigate that process. It would take the will of the council and administration and the community to allow this discussion to happen.

Member Frampton asked about the part-time consultant and if there is consideration for a third-party consultant to help with the overload.

Ms. Taomoto responded that the part-time staff assigned from the private consultant fulfilled her contract and moved back to Oahu. They have since gotten approval to work remotely, but they haven't found someone in their office yet. As far as a third-party consultant, there is no consultant, that they are aware of, in the state that has intimate knowledge of our rules and regulations, the history of our old and current rules, knowledge of multiple codes, etc.

Member Thomas asked if there is a flow chart stating the procedures and deadlines for people to follow.

Ms. Taomoto replied that every request, whether it be for a meter upgrade or a new meter or a subdivision, is unique to the property itself. There is no flow chart that's a one size fits all.

Member Eaton asked if everyone on the waitlist is trying to subdivide?

Ms. Taomoto said no, according to the rules that were created by the Council, there is only one list.

The next question from the chair was since the meter list was started, how many meters have been issued over what time period? The meter list started on November 2, 1994. However, Mr. Miyabuchi has been tracking the status of the offers since he took over in April 2014.

The last question was should the Director be granted more ability to adjust or extend the time on water meter reservations? Water meter reservations are administered under Chapter 14.07. As a department we are comfortable with the five-year extension.

Member Sterling suggested having webinars to educate the public on the process.

Member Reyher-Colon asked if the public is told that there is a timeline attached to their application?

Ms. Taomoto said yes and they need to acknowledge in writing that they read and accept the meter offer. Detailed language is on the application and on the offer letter.

Member Lindsey asked if a systemic change is necessary? What would the department change to make things more efficient, aside from getting more engineers?

Ms. Taomoto said that before the new formal rules were created for Upcountry, they did a one time offer for vacant properties, where infrastructure was ready for domestic use, to get their first meter. The only reason they're able to do this is because the building permit rules, in our code under water services, says that we as a department exempts the first and second dwelling from fire protection. And because we exempt the first and second dwelling from fire protection, when we look at vacant properties, we don't have to provide adequate infrastructure for fire protection, and that reduces the infrastructure requirements.

Chair Nobriga asked why our county government has such a hard time acquiring and sustaining employment for engineers?

Mr. Miyabuchi said mainly there is a disparity in pay and benefits. There is also the high cost of living, people hired from the mainland end up wanting to go back, and they find that working for a private firm is more fulfilling because they get to do more things outside of the office which increases their knowledge and experience.

Member Frampton thanked Ms. Taomoto for bringing up possible solutions and said that the board could come up with a way to approach the new chair of the Water Resources Committee to start thinking about changes to effectuate that. He also cautioned Ms. Taomoto against the idea that everybody waits till the last minute because some people take the time to assemble their resources and try to navigate the very difficult process. He would like the board to help the department make things a little easier and to help increase their success rate.

Mr. Miyabuchi said that all these solutions are very intelligent, logical and efficient, however, keep in mind that the priority list is not about logic, not about efficiency, it's about emotion, it's about people waiting for 20 years. Keep that in mind when you consider making changes.

Member Sterling left the meeting.

## VI. DIVISION REPORTS for October 2022; November 2022

Director Kau mentioned that on December 27, she will be turning on the Olinda Water Treatment facility because storage conditions have improved. Before the end of the month, she will also end the Stage 1 water shortage for Upcountry. Unfortunately, conditions have not sufficiently improved in West Maui.

Member Eaton asked about the monthly source reports for the Upcountry aquifer. Was there no pumpage for the Haiku Well for the past eight months?

Director Kau said yes, she believes so.

Member Eaton said it seems like we're not utilizing our ground water sources as much as we should.

Director Kau said we are limited with regard to how much we can actually pump, and it's not necessarily up to the sustainable yield we have. Ground water is monitored at each site.

VII. NEXT MEETING DATE AND TIME

Board Meeting: January 19, 2023 at 1:30 p.m.

VIII. ADJOURNMENT

There being no further business, the regular meeting was adjourned at 3:37 p.m.

Prepared by:

  
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Approved for distribution:

  
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