

Meeting is recessed to November 2, 2007 at 1:30 p.m. in the Council Chamber.

## WATER RESOURCES COMMITTEE

Council of the County of Maui

### Meeting Agenda

October 29, 2007

9:00 a.m.

Council Chamber, 8<sup>th</sup> Floor  
200 South High Street, Wailuku, Hawaii

website: [www.mauicounty.gov/committees/WR/](http://www.mauicounty.gov/committees/WR/)  
e-mail: [wr.committee@mauicounty.us](mailto:wr.committee@mauicounty.us)

#### COMMITTEE MEMBERS

Michelle Anderson, Chair

Michael P. Victorino, Vice-Chair

Gladys C. Baisa

Danny A. Mateo

Joseph Pontanilla

*AGENDA ITEMS ARE SUBJECT TO CANCELLATION. For a confirmation of the meeting date and time, and for tentative scheduling of agenda items, please contact the Committee Staff (Kimberley Willenbrink or Clarita Balala) at: Office of Council Services, 200 South High Street, Wailuku, HI 96793, 808-270-7838, 1-800-272-0026 (toll-free from Molokai), 1-800-272-0098 (toll-free from Lanai), 808-270-7686 (fax).*

*ORAL OR WRITTEN TESTIMONY on any agenda item will be accepted. If written testimony is submitted at the meeting, 16 copies are requested. If written testimony is e-mailed or faxed, please submit by 12 noon on the business day preceding the meeting so that copies can be provided to Council members in a timely manner.*

*INDIVIDUALS WHO INTEND TO ATTEND THE MEETING AND WHO HAVE DISABILITIES REQUIRING SPECIAL ASSISTANCE should call the Office of Council Services at least three days in advance.*

*DOCUMENTS ON FILE WITH THE COMMITTEE, which may include correspondence relating to the agenda items below, may be inspected prior to the meeting date. Photocopies may be ordered, subject to charges imposed by law (Maui County Code, Sec. 2.64.010). Please contact the Office of Council Services to make arrangements for inspection or photocopying of documents.*

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#### WR-13 PROHIBITING DEVELOPMENT PROJECTS WITHOUT A LONG-TERM RELIABLE SOURCE OF WATER

**DESCRIPTION:** The Committee is in receipt of the following:

1. County Communication No. 05-271, from Councilmember Dain P. Kane, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 18.04.020, MAUI COUNTY CODE, RELATING TO GENERAL PROVISIONS". The purpose of the proposed bill is to prohibit subdivisions without a long-term, reliable source of water.
2. Correspondence dated August 29, 2007, from the Department of the Corporation Counsel, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 14.01, MAUI COUNTY CODE, RELATING TO NATIVE HAWAIIAN WATER RIGHTS". The purpose of the proposed bill is to amend the County Water Code to exempt rights and entitlements to water provided for by the Hawaiian Homes Commission Act, 1920, as amended, from the County Water Code.

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3. Correspondence dated October 9, 2007, from Councilmember Michelle Anderson, transmitting a draft bill entitled "A BILL FOR AN ORDINANCE AMENDING ARTICLE 1 OF TITLE 14, MAUI COUNTY CODE, AND TITLE 18, MAUI COUNTY CODE, RELATING TO WATER AVAILABILITY". The purpose of the draft bill is to verify the availability of a long-term, reliable source of water of at least 20 years prior to subdivision approval.
4. Correspondence dated October 9, 2007, from Councilmember Michelle Anderson, transmitting a draft resolution entitled "REFERRING A DRAFT BILL RELATING TO WATER AVAILABILITY TO THE LANAI, MAUI, AND MOLOKAI PLANNING COMMISSIONS AND THE BOARD OF WATER SUPPLY". The purpose of the draft resolution is to transmit a draft bill entitled "A BILL FOR AN ORDINANCE AMENDING ARTICLE 1 OF TITLE 14, MAUI COUNTY CODE, AND TITLE 19, MAUI COUNTY CODE, RELATING TO WATER AVAILABILITY" to the planning commissions, pursuant to Charter Sections 8-8.4 and 8-8.6, and to the Board of Water Supply. The purpose of the draft bill is to verify the availability of a long-term reliable source of water of at least 20 years prior to any land entitlements.

**STATUS:**

The Committee may consider whether to recommend passage of the proposed bill relating to Native Hawaiian Water Rights, transmitted by the Department of the Corporation Counsel on August 29, 2007 on first reading with or without revisions; passage of the draft bill relating to water availability transmitted by Councilmember Anderson on October 9, 2007 on first reading, with or without revisions; and adoption of the draft resolution, with or without revisions. The Committee may also consider the filing of County Communication No. 05-271 and other related action.