

County of Maui Water
Supply

BOARD OF WATER SUPPLY
COUNTY OF MAUI
REGULAR MEETING

Taken at the HGEA Conference Room, David Trask Building, Wailuku, Maui, Hawaii, commencing at 9:00 a.m. on May 11, 2000.

Reported By: Rachelle Primeaux, CSR #370

ATTENDANCE:

Members Present:

Elmer Cravalho, Chair
Peter Rice
Jonathan Starr
Adolph Helm
Bob Takitani
Howard Nakamura
Orlando Tagorda
Brian Miskae (Ex-officio)

Staff Present:

David Craddick, Director
Howard Fukushima, Corporation Counsel
Fran Nago, Secretary
George Tengan
Herb Chang
Jacky Carroll
Holly Perdido
Herb Kogasaka
Ellen Kraftsow

TRANSCRIPT OF PROCEEDINGS
BOARD OF WATER SUPPLY, REGULAR MEETING
MAY 11, 2000, 9:00 A.M.

CHAIR CRAVALHO: Will the meeting please come to

order. We will be following a slightly different approach. I'm asking Ms. Nago to call the roll also to be followed by announcements of people who are present here at our meeting. This is just for the record keeping purposes. Ms. Nago, please.

MS. NAGO: Present for the Board is Chairman Cravalho. We have Peter Rice, Jonanthan Starr, Orlando Tagorda, Adolph Helm, Robert Takitani, Howard Nakamura. Corporation Counsel is Howard Fukushima.

We have Ex-officio Member Brian Miskae. On staff we had David Craddick, our Director. We have Jacky Carroll, George Tengan, our Deputy Director. We have Holly Perdido, and that's it for staff. Okay. And Herb Kogasaka from engineering.

We have Carol Gentz. She's from Nature Conservancy, and she'll be speaking on East Maui Watershed. We have David Niehaus. We have Wayne Arakaki, Don and Mica McCann, and they are on an item that's on the agenda. We also have Jamie Woodburn from Ka Limo `o Maui, Natalie Powell from Ulumalu.

We have Mr. Glen Jackson, Doug Sameshima, and he's here on the Declaratory Order. We have Ed Misake and Honest Lions. They're also from the Nature Conservancy on the Molokai Watershed. We have Frank Cravalho, Jr. We have Patti Sadler and Moana Anderson who wish to give some oral testimony. Ms. Anderson is on the drought and also Ms. Sadler, and I believe that's it. I got everyone.

CHAIR CRAVALHO: Thank you very much. Any members of the Board or audience wish to make comments at this time or wait until subject matter comes up for discussion?

If there's no objection, we will follow that procedure.

MS. ANDERSON: Objection. Can you object if you're an audience member? Moana Anderson. Is it not

okay then?

MS. NAGO: You need to sit here. Anyone who wishes to speak, you need to sit here. She wanted to speak on the drought situation, and I didn't know whether she would come now or when that item comes up.

CHAIR CRAVALHO: We do have an item for consideration dealing with whether we're continuing on applicants for meters on the drought. The Chair has absolutely no objection to you making your presentation now provided, however, it will not last into noontime.

MS. ANDERSON: No, it won't last more than three minutes. Thank you. And I asked this when I used to be on the Planning Commission, it was very favorable to those of us or to others in the public who have to work. Your agenda just looks really long today, but thank you. My only question, the agenda item was the issuance of water meters during the drought, and I believe that that agenda item from engineering came about specifically for about a dozen or so folks who have already paid for their water meters and were told that you'll probably get your water meters.

But since we're in a voluntary situation, they've been told that you'll get your meter, but, you know, we don't know when. And if we go into the mandatory drought, doubtful, but it's pretty much in limbo. So I guess my question would be to the Board is if an answer can be given, I believe this was proposed to Corp Counsel to give an answer and I believe Corp Counsel brought it to the Board.

My question would be that just contractually speaking, good business would say that if I gave somebody a thousand dollars to build me a table, even if he was really good, I wouldn't mind waiting as long as he told me, "I'll build your table by the end of the year or I will build it in two years, but I swear to you it will be built and pau in two years." But if

we just say, well, everybody that I've talked to and that my clients have talked to have all said I don't know. And they've taken their cash and they've promised the meter but none of us know.

And so my question would be just a time frame would be fine. If you take their money and say, "We'll give you a meter," then tell them it will be two years, so they can at least plan. These are not developers. These are just about a dozen homeowners that just probably need to know whether they can secure their financing or even begin building.

For the record, if you give a water meter now, these vacant lots will probably be ready to build or be pau building let's say in six months, which would be about November in rainy season. If you wait until December, they'll probably have their house pau next year during about drought season. My question would be could they have an answer. That's all.

There's about a dozen people that have paid for their meters that have been told they would get their meter, but they're just sitting in complete limbo. And I would just ask you to put yourself in their shoes. It doesn't have to be the greatest answer, but it needs to be an answer that has a secured time at the end of it. That would be I think reasonable, and that's the end of my testimony.

CHAIR CRAVALHO: Thank you very much. Are there any comments or questions from Members of the Board?
Mr. Starr.

MR. STARR: Ms. Anderson, a question for you. If the system is inadequate upcountry and if there are, you know, greater and greater drought and service problems and there have been people who have been waiting on line, you know, for many years, would it in your opinion make sense, you know, as long as those inadequacies existed to give any meters inside the inadequacy area, or do you think it would make more sense to hold off issuance whether, you know, on that

particular day there was a drought in effect or not until the system is made whole?

MS. ANDERSON: Well, I think what you need to do. I really don't -- I shouldn't say I don't care because I do care. But your yes should be yes, and your no should be no. But if you take someone's money and say yes and then say I don't know and later will be yes. What is that? That's ridiculous. Say no then to my client.

Now, they've gone ahead, you've got a bunch of people that want to actually just build their home. You've said yes. Now you've said maybe. They've made a reasonable reliance on your word, and now there's no more reliance. I would rather you just say, no, are you kidding me? There's no water. You're not going to have a chance in hell to get this meter, and then they can rely on that and they'll go buy something else with no meter.

But when they were told yes, their money was taken, you ask me what do you think, is that reasonable? Put a time frame. Tell them then in the beginning, no, we don't have water, and then don't give a meter. But don't say yes, we take your money, and now I don't know. So that is not -- this is not in my opinion my problem. It is the problem of this Water Department. In 15 years of selling real estate, I know one thing for sure. I never know what you guys will do. I'm clueless. I have not one instance of consistency that I can say to any one client this is how it is. I'm the most confused person on earth when it comes to how it's done.

But if your yes is yes to someone who says, "May I have a meter, here is my money, take my money," and then you say, "Well, yes, but not now and not even when," that is like insanity. So you will need to answer this question amongst yourselves and that is why it is on the agenda.

But I beg you to let yes be yes and no be no.

And for those 12 or 15 people that you've said yes to, either tell them, "We've made a mistake," give them their money back. I don't know what they will do. You guys figure it out. I just I feel so sorry for these people that I know we have an inadequate system, then say no. It's like our roadways. Why the heck doesn't the County say no to some of this stuff? Because they're too chicken. Say no if you want to say no. But don't say, yes, maybe, yes, sort of, no. Thank you.

MR. STARR: Your point is well taken.

CHAIR CRAVALHO: Thank you. I'm sure that the proper evaluations will be made. At the present time, we do need to keep in mind the separation of the policy making by the Board and the administration of that policy. Now, if there is any degree of dissatisfaction or question or unhappiness with the administration with respect to the fee collections, et cetera, those are proper matters to form the basis of an appeal or a question made to the Board, which was done this morning.

I'm sure Mr. Starr and others of the committee will be looking into this quite thoroughly because this has been an area that we have been concerned about and it's pertinent. We thank you for coming here this morning. We'll try to keep in touch with you at all times.

MS. ANDERSON: Thank you. I appreciate it. Thank you for letting me speak earlier.

MS. NAGO: Was Patti Sadler, did she want to give testimony on the same matter, Mr. Cravalho.

CHAIR CRAVALHO: Certainly.

MS. SADLER: Basically, I'm discussing the same matter that Moana was discussing, looking at, and I see that this is a voluntary situation and everything else is exempt except for the water meter

installation, and my clients are the same position that hers are. They purchased a water meter. They were told it would be put in two to four weeks. They were even given a time. The two to four weeks was six weeks ago, and there is no water meter installed. They do have their money, and I would like to have the same answer, a time frame, or maybe we could have these installed that are sitting with their money already to the County and the situation be remedied somehow.

CHAIR CRAVALHO: Thank you. Are there any questions from Members of the Board to the testimony? Again, thank you.

Any further comments or statements to the Board? If not, shall we proceed with a consideration of the agenda. Director's Report 00-23. Mr. Craddick.

MR. CRADDICK: This item here, we have some of our employees that are First Respondents to hazardous material incidences. And in order to be First Respondents, they need to be able to get there quickly. And only the Council has the authority to authorize these emergency vehicles, so we're asking the Board to let us go to the Council and get that approval.

CHAIR CRAVALHO: The sense then of the request of the resolution is to so designate a number of vehicles to qualify and to request the County Council to proceed accordingly with the approval?

MR. CRADDICK: Yes.

CHAIR CRAVALHO: Are there any objections to taking this approach to refer the matter with the request to the County Council. If there are no objections, may the record reflect the unanimous approval of the Board of Water Supply.

MR. STARR: I have a question.

CHAIR CRAVALHO: Yes, sir.

MR. STARR: Yesterday I was traveling from Maalaea to Wailuku, and I saw what looked like one of our vehicles and one of our tankers with flashing, flashing lights on top heading toward Maalaea. Was that the kind of thing we're talking about?

MR. CRADDICK: No. That yellow light that you have on there is just when you have a long load or wide long, something like that, that light will be on there. These are the emergency lights, red lights.

MR. STARR: And they would be installed on our vehicles, on all of them or some of them?

MR. CRADDICK: We're asking for three vehicles.

MR. STARR: So they'll stay with the vehicle, but not with the operator?

MR. CRADDICK: That's right.

CHAIR CRAVALHO: Okay. So ordered. Director's Report request 00-24. Mr. Craddick.

MR. CRADDICK: On this participation with the Nature Conservancy on the East Maui Watershed Protection, we've been doing this for a number of years now, and this is a continuation in that effort. I believe we do have somebody here from the Nature Conservancy to talk about that matter, too. But we would recommend that the Board go ahead with it. There is a two-to-one match of State monies with this.

CHAIR CRAVALHO: Does a representative of the Nature Conservancy wish to address the Board of Water Supply?

MS. GENTZ: Yes, please.

CHAIR CRAVALHO: Go right ahead, ma'am.

MS. GENTZ: I would like to thank the Board of Water Supply for the watershed management in the Upper Kula water system and the East Maui Watershed. Over the past four years, with the Board's support, we've made significant efforts and progress in this area. We are requesting approval for the East Maui Watershed Protection Agreement.

Under this agreement, we are continuing our work on critical watershed protection projects in the following area: Reduction of watershed soil and vegetation loss through ungulate control, support of the research control and removal of axis deer in Waikamoi Preserve and invasive ranch lands and survey and removal of miconia in the East Maui Watershed. And as David mentioned, for every dollar the Board supports in this project, we will receive \$2 from the State Natural Area Partnership Program.

CHAIR CRAVALHO: Are there any questions from Members of the Board?

(No response.)

CHAIR CRAVALHO: If not, Mr. Starr.

MR. STARR: I move for approval of Director's Report 00-24 with added appreciation for the good people doing this hard work.

MR. RICE: Second.

CHAIR CRAVALHO: We will proceed to sign the necessary documents. Is there a second?

MR. RICE: Second.

CHAIR CRAVALHO: You've heard the motion duly made and seconded for the approval and the contract and the authority being given for the signatures of the respective authorities of the Board on this

contract. Any discussion?

(No response.)

CHAIR CRAVALHO: If not, ready for the question. All those in favor, say, "Aye."

VOICES: Aye.

CHAIR CRAVALHO: Contrary?

(No response.)

CHAIR CRAVALHO: Carried. Shall we proceed to the next one.

MR. CRADDICK: The next one is a similar partnership arrangement over on Molokai. The matching funds are, I believe, I'm not certain, it's two to one there. It may just be one to one, but it still is a requirement of ours to have matching funds, and I believe we also have somebody here from Molokai.

MR. MISAKE: Chairman Cravalho, Adolph, the Board, David. I just want to thank you guys for giving me this opportunity to speak today, and I really, this is the first opportunity I've had to meet with the Board of Water Supply. And I really want to thank you for becoming a partner in the East Molokai Watershed Partnership. And I know you guys know Adolph represented the Board at the November signing.

And I also want to recognize the appropriation that was made to the first project of the East Molokai Watershed Partnership in Kamaloa Kapulei, and in regards to the match the Board of Water Supply, we're asking for 12.5 to be approved, the contract to be approved.

And actually, it will be matching a total of \$400,000 budget over two years, so this is a really good match, and especially so because we have a lot of federal dollars involved and having County and private

matches is really important toward the federal dollars, and I really thank you.

CHAIR CRAVALHO: Are there any questions from Members of the Board? This is a matter before the Board at the present time. Any questions from Members of the Board? Chair recognizes --

MR. HELM: No question. I just like to proceed with --

CHAIR CRAVALHO: Making a motion?

MR. HELM: Yes. I move to accept Director's Report 00-25 and approval of the East Molokai Watershed Partnership fiscal year 2000 contract with the Nature Conservancy of Molokai.

MR. TAGORDA: Second.

CHAIR CRAVALHO: Second by Mr. Tagorda. You've heard the motion duly made and seconded for the approval of the contract and the signatures necessary to effectuate the contract. Mr. Nakamura.

MR. NAKAMURA: One quick question, Mr. Chairman. I've noted here there's reference to this being a two-year plan. Does this constitute some kind of commitment for future funding in the second year?

MR. MISAKE: The contract is for this fiscal year, and we will be asking for a second year contract.

MR. NAKAMURA: In the same funding level?

MR. MISAKE: In the same amount, yeah.

CHAIR CRAVALHO: Any further questions? If not, are you ready for the question? All those in favor say, "Aye."

VOICES: Aye.

CHAIR CRAVALHO: Contrary?

(No response.)

CHAIR CRAVALHO: Carried. Thank you very much. Old business. This matter is before Director's Report 00-18. Mr. Chair recognizes Mr. Rice for discussion for this particular matter.

MR. RICE: Mr. Chair, Members of the Board, the Finance Committee met on May 8th at Lahaina Civic Center, and we considered this item that was referred to our committee. And I might note that there were -- it was Natalie was present representing her group on this issue. And that the committee recommends that the board approve a resolution for the issuance of a revenue bond subject to review by Corp Counsel to insure the protection of the Board of Water Supply and for assistance in the preparation of the appropriate documents for recordation of encumbrances against the property of Ulumalu-Peahi subdivision.

CHAIR CRAVALHO: It is the opinion of the Chair that is this is a verbal report of your committee's activities on this particular matter, and this will be followed up for the next meeting with the appropriate committee report for adoption at that time. This is a progress report. So noted. Shall we then proceed to the next item.

MR. TAKITANI: Mr. Rice, you noted that it would be a revenue bond instead of a GO bond?

MR. RICE: That's our recommendation.

MR. TAKITANI: I just wanted to make sure that we identified the fact it would be a revenue bond.

CHAIR CRAVALHO: Let's be a little orderly. Mr. Starr.

MR. STARR: Just a clarification as far as procedure. Would it be on order to accept the verbal report so that the next meeting that would allow us to act on it? I'm not sure if we would be able to act on it the next meeting unless we initially accept the report which we can accept the verbal report.

CHAIR CRAVALHO: The position of the Chair of the verbal report is always accepted. It does not necessarily preclude any further action. The position of the Chair is that all final actions should be accompanied by the appropriate committee reports so that there be no question in the future with respect as to what the intent was on the part of the Board.

We know what the intent is today. We agree with the presentation I believe, but we do need that report and which will be forthcoming. I get nervous each time we approve something verbally because later on we don't know what was verbalized. No objections. So ordered. I'm sure Mr. Rice will have a number of other items which he will be discussing as we go along.

MS. NAGO: Also, Mr. Cravalho, maybe you folks should mention the meeting was not adjourned. It was recessed and will be reconvening.

CHAIR CRAVALHO: So this is merely again a progress report of keeping the members informed what is taking place to prove that the committee is working. It hasn't been functioning as an ice box. Shall we go to the next item.

MR. CRADDICK: Elmer.

CHAIR CRAVALHO: Yes, Mr. Craddick.

MR. CRADDICK: On the 22nd or 23rd, and I'll try my best to keep it on the 23rd, the County's bond counsel and financial advisor will be here for the County's bond signing. And at that time, I think they're going to give a presentation that there will

be an invitation to the Board Members to attend, not on this specific matter, just generally with bond financing issues.

CHAIR CRAVALHO: The Chair would use this opportunity to just parenthetically inject a reminder that we keep our eyes at all times on the big picture. Because if we're going to finish up consideration on the budget and capital improvements program, the methodology for the financing of same, we've got to keep our eyes on that. And we have made good progress thus far.

Shall we then proceed to the next item, please. Same action with respect to overtime.

MR. RICE: Yes. Mr. Chairman, the committee met again on May 8th and discussed this issue that was referred to our committee. We met with staff at the time and discussed their management of overtime, and in actuality, our overtime analysis of year to date March 2000 versus the same time March 1999, we've experienced probably a savings of 500 hours of overtime, so it appears the staff is truly trying to manage the process and the committee will be recommending approval of the Department's request.

CHAIR CRAVALHO: Thank you very much, Mr. Rice. I thought you were going to say that the reduced utilization of overtime is due to the boldness and the newness of this Board. We were able to keep our eyes on the target in front of us.

MR. RICE: I'll be saying that next year, sir. Reductions will continue.

CHAIR CRAVALHO: Next fiscal year, which starts November 1st, I mean July first, this year. Thank you very much, and congratulations. And also thanks and appreciation to the Director and the members of the staff who have effectuated these savings.

We have been through, as all Members of this

Board knows, a very, very difficult period in terms of drought situations, the demands for overtime, the demands for overtime work for jobs done for this committee, which has necessitated a tremendous amount of overtime. And so we're very pleased with the accomplishments. And thank you again, Mr. Director.

Committee report for 99-33. Mr. Nobriga is not here. Ms. Nago, will you report on this. This is a matter that was referred to that particular committee concerning the request of David Niehaus.

MS. NAGO: The recommendation from the oversight committee was that the Board approve the waiver of fire protection and that staff draw up an agreement with Mr. Niehaus for waiver of the fire protection requirements on the fourth dwelling.

CHAIR CRAVALHO: Same action. The committee report and have it come to the Full Board as to what the Full Board would want to decide on. Thank you. Same action with respect to Tom Pierce. I believe this has not been referred as yet.

MS. NAGO: No, this matter was referred to staff for a report and the report is included in this meeting packet.

CHAIR CRAVALHO: This matter, therefore, is referred to the Committee of Oversight chaired by Mr. Nobriga.

MS. NAGO: Mr. Cravalho, I'm really sorry. Mr. Pierce was to be called for this matter.

CHAIR CRAVALHO: Well, he can make a presentation and that would be just fine; however, it will not change the referral to the committee. That's the decision of the Chair. Do you wish to speak? Is Mr. Pierce here?

MS. NAGO: Mr. McCann is here, and this is the one there's a --

CHAIR CRAVALHO: The Chair understands it completely.

MS. NAGO: Okay, very good.

CHAIR CRAVALHO: And in the interest of saving time so you don't have to repeat again, appear before Mr. Nobriga's committee and we'll receive the recommendations back, but nothing is to preclude you from saying anything you wish to today if that is your desire.

MR. McCANN: We weren't planning on speaking. I think our attorney is planning on speaking.

MS. NAGO: Did you want to get Mr. Pierce?

CHAIR CRAVALHO: Let's get a couple of things straight. There is one Chair. That's me for better or for worse, so we address all comments to the Chair. We do not become involved in personal discussions forever and a day, and this way I think we'll be moving more rapidly.

Secondly, if you you're wishing to have your attorney appear later, we will grant him the opportunity to be heard at that time. So let us keep to the agenda so we can go out of here before 12:00.

Shall we proceed then to the next item, Request from Attorney Sameshima on behalf of P.F. Two Partners. The same thing is true in advance. I will tell you the Chair is going to refer this matter to Committee of the Whole with Mr. Tagorda as Chairperson, but proceed, Mr. Sameshima.

MR. SAMESHIMA: Yes, we feel that the Board has the authority to act on this matter given that it's really an interpretation of the rules of the Department of Water Supply, and that essentially, what appears to have happened in this situation is that as reflected in our petition, certain improvements were

done to a subdivision and the Department is taking the position that certain requirements were not completed.

Our position is, number one, that those requirements were essentially waived in the process since 1993 when the initial subdivision approval was granted, preliminary approval was granted, and secondly, that, in fact, they are not requirements under the rules and the requirements of the Department of Water Supply in that the completed water system as it exists now meets all the requirements in that it provides a system to the point of adequacy and point of entry to the subdivision and it meets the requirement that there be sufficient water service and fire protection to that subdivision.

The extension being sought by the Department would cost an additional 50-odd-thousand dollars. The developers have spent over \$100,000 to date, and essentially, we're going on to track I guess parallel, although not meeting with minds with the Department and did what they thought was required in good faith and it does comply with all the rules and requirements as stated by the rules of the Water Supply Department.

So we feel that this Board can take action saying, yes, this subdivision water system does meet the requirements, there's no need for any further improvements, these requirements being sought by the Department are not, in fact, requirements and that there is no -- there is no prejudice to anybody because they do meet the rules and the purpose of the requirements for a subdivision. It's been a long, arduous process with the developer. It's been seven years since the initial preliminary approval. They thought they were in the position to get final approval, and this is the only stumbling block to getting that final approval.

CHAIR CRAVALHO: Are there any questions of the attorney? If not, thank you for being here with us

this morning. As the Chair indicated earlier, this matter is referred to Mr. Tagorda's Committee of the Whole who will schedule the necessary processes and procedures.

MR. SAMESHIMA: Do we have an approximate time frame so I can report to my client the time frame we are looking at?

CHAIR CRAVALHO: The Chair would suggest you have your client be slightly patient for 24 hours or 48 hours and Mr. Tagorda will work on it. Thank you very much.

Communication 00-12, Communication from the Attorney Rapacz regarding communication of Mr. Dawson. Mr. Rapacz, do you wish to address the Board? The Chair is going to advise you in advance it is going to be referred. But go right ahead.

MR. RAPACZ: Mr. Chair, I would like to see if there's any possibility if I could change your mind about that.

CHAIR CRAVALHO: Can you say that again.

MR. RAPACZ: I said possibility.

CHAIR CRAVALHO: That I am going to change my mind?

MR. RAPACZ: Yes, sir.

CHAIR CRAVALHO: Last time it was a miracle, sir. There was a bright star out in the heavens and there were three wise men following. And that's the last known miracle that I'm aware of. The matter is going to be referred. Proceed.

MR. RAPACZ: Thank you, Mr. Chair. This matter arises from a letter that was sent to the Board of Water Supply earlier this year complaining about water service on a particular parcel at the end of Anuhea

Place in Kula, which is as you come up through Pukalani and make a right onto Kula Highway not far up the roadway opposite Kula 200.

I represent applicants for a special use permit so that an owner of property in that agricultural district can conduct church services inside of a building with about 30 people once a week. There are several people who oppose that use of the property and oppose that permit, and we would suggest that the Planning Commission is the appropriate body for them to protest to.

What they've done instead is try to drag the Water Department into this. They are contacting every agency that they can think of in trying to involve them in this in this objection to this use of the property. As a result and in response to that request, the Water Department has gone to the site, has inspected, has confirmed that there is no Department of Water Supply connection. There is no water being used from the Department of Water Supply.

They have done chlorine tests to verify that. We have considered catchment data showing the collection of 185,000 gallons in the period requested, and I just don't see any further need to look at this matter and ask that it would be filed. Every time something is referred to the committee, it means that I need to come back, I need to prepare for the meeting, that it needs to come back to the full Board of Water Supply for a full meeting again. And it does cost clients time and money. And given that the results show that there is no connection to the system, I don't see the need for it to be considered any further and would ask that the Board file the item.

CHAIR CRAVALHO: The Chair respects your comments on behalf of your client. The Chair is of the opinion that there is a justifiable matter to be looked into, and therefore, this communication together with other communications will be referred to

the Committee of Rules of which the Chair is the Chair.

MR. RAPACZ: Committee on Rules?

CHAIR CRAVALHO: Yeah, that's my committee, and we will go into it. And we will determine what all of the factors are. It may be a rather detailed examination of the entire area because they are all related in one way or another. And we will do that and you will be given ample opportunity at all times to participate and represent your client at all times. Fair enough?

MR. RAPACZ: Fair enough. May I offer one more comment, Mr. Chair.

CHAIR CRAVALHO: Yeah.

MR. RAPACZ: The application for the State Special Use Permit is coming before the Planning Commission on the 23rd of this month, and we, as I said in my letter to the Board, we hope that this particular property does not become entangled in any other issues in surrounding properties in the area. It has been confirmed that this property is using no County water regardless of what is happening on other properties.

CHAIR CRAVALHO: The Chair is well aware of the desires and necessity in the minds of some. And the Chair will accommodate them in every way possible, but the Chair will not abdicate any responsibilities on the part of this Board for which the Chair represents it coming forth. Fair enough.

MR. RAPACZ: Thank you, Mr. Chair.

CHAIR CRAVALHO: Thank you. Communication 00-13 from Mr. Jamie Woodburn. Is Mr. Woodburn here?

MR. WOODBURN: Present.

CHAIR CRAVALHO: The matter is going to be referred, so if you wish to comment, fine. But I am going to refer the matter.

MR. WOODBURN: Could I ask what committee that will be referred to?

CHAIR CRAVALHO: Mine.

MR. WOODBURN: No need for comment. Thank you.

CHAIR CRAVALHO: Thank you. Other business. Item A, Discussion possible action regarding computer security. The Chair would want to refer this three joint referrals, Corp Counsel's office, Committee of the Whole Chairperson and the Director to review very finely the provisions and to see whether any caveats need to be expressed on the reservation on the part of this Board and this body.

If there is no objection, I have discussed this matter with Mr. Craddick and expressed some of my concerns and I think there are some. Their really are some. The next one, Discussion and possible action regarding draft of the proposed amendment to the rules, regulations by Mr. Nakamura. Mr. Nakamura, what's your pleasure?

MR. NAKAMURA: Mr. Chairman, I request this be referred to the Rules Committee for consideration.

CHAIR CRAVALHO: No objection. So ordered, I was ready to jump with you and walk away.

MR. NAKAMURA: I don't want to circumvent your procedure.

CHAIR CRAVALHO: Be assured it will just be procedural, one even flow. Thank you. Upcountry water situation, Mr. Craddick.

MR. CRADDICK: This is a report coming around of the current situation. We're recommending no change

at this time. This is the today's report as of this morning and we're recommending no change from the drought declaration with no restrictions.

CHAIR CRAVALHO: Any discussion, any question?
Mr. Starr.

MR. STARR: Yes, I've been watching the numbers falling and I'm feeling a little bit of concern and I don't feel that we should undertake any restrictions, but I do feel that perhaps a little bit of information through our PR department might be in order to try to get the consumption numbers down a little bit through some voluntary action because it is getting dry, the ditch is getting low. We're pumping really hard and just barely maintaining with a lot of expenditure and electricity at this point.

CHAIR CRAVALHO: Thank you. The Chair wishes to point out that kept in communication the Director to make sure that we have pumping going on so that we keep our supplies up in the 80 percentile as it had been decided on by our negotiating committee with people involved. So thus far it's been nice.

Just as an aside, I remember several meetings ago the Chair had requested some breakdown on the water consumption in the area. There has been some difference of opinion as to the priority of the request. The reports were all given to you, and I think when you look over them, it shows that there were people and parties who did have more than just a casual over utilization of water, so we would like to ask for help and cooperation of all parties concerned to alleviate and to maintain control of our water supplies and of making the same available to the general public.

They were partners who exceeded in the hundreds of percents of the water restrictions. Understandable, yeah, but in the future as we go along, let's all work very closely. And the need for conservation for all of us at all times. Very good.

Thank you very much, and thank you, Mr. Craddick, and your Department people for adhering to keeping that 80 percent thing pumping. Very good. Mr. Starr.

MR. STARR: I just while we're on this subject of the drought situation upcountry, I really would like to proceed with having a study done of where we can put in an uncountrry well somewhere on our system as fast as possible. I know there was a staff report to this effect several months ago, and so it's out there. I would love to have that referred to a committee or put into some chain of activity.

CHAIR CRAVALHO: The Chair would like to point out that in the agreement, MOU, we do make reference to well systems initiation upcountry area. The intent of the Chair is to bring back to this Board for a final ratification of that MOU that we had so that everything is all clear and we shall proceed as far as the Chair is concerned with implementation of work on the well system to find additional waters in accordance with the discussions and in accordance with the agreements that have been made.

And I think we're going to be very well on the way. We've come a long way in a short time, and I believe the Chair would like to -- the Chair would also like to commend again former Chair Mr. Takitani and Mr. Nakamura and there's a couple of other assignments for Central Maui area and the Lahaina area, and we have a deadline that I believe we all agree on.

Some of us may be reluctant, but we agree on June 30th, the year 2000. We have these things finished and in place so that we can go on a very serious probe of implementation. It will be expensive. It will be more expensive if we don't. So if we keep that in mind at all times, we will be all right, in very, very good shape. Yes, sir.

MR. STARR: So to be clear, can I expect to see a well on the agenda in the next say two meetings

sometime?

CHAIR CRAVALHO: No. The Chair has given you assurances already that we're on it and it will be done, and the Chair recalls verbally assuring you about this in the past. Do not confuse the Chair with Mr. Craddick.

MR. STARR: No, I never would, sir.

CHAIR CRAVALHO: So there is no need for the Chair to repeat himself what has been assured. When my word is given, it is carried, and sometimes to my detriment, but it is carried. So have no fear. And if you wish to extend your vacation, go. No problem. Anything else to come before this Board? We have some more items. We're down to the update of the appraisal of the fifth floor.

MR. CRADDICK: Elmer.

CHAIR CRAVALHO: I'm sorry, issuance of meters during the drought. The Chair would like to refer this to the Committee of Oversight. You will have your chance to get your two words in.

MR. CRADDICK: Oversight or Clark?

CHAIR CRAVALHO: And Clark, both, because they're both members. Frankly, I prefer going to Mr. Hashimoto's committee because I want to expand his considerations to include agricultural matters and this does have a bearing of agricultural matters because there is a communication that has come in from you. Yes, ma'am.

MS. SADLER: What does this mean to the people that have already purchased the water meters? Does it mean they can be installed, or they're referring to somebody that it can be installed?

CHAIR CRAVALHO: For right now there will be a continuation of the present activities. This matter

is referred to the committee, which will get on the next week or two and report back for our next meeting. It's faster than anything that has ever happened before.

MS. SADLER: When is the next meeting?

CHAIR CRAVALHO: Two weeks from now. The Chair would also wanted to point out that there is serious consideration and acknowledgment of the problems that are generated whenever meters are not put out immediately, but we do have the fact that we have been in a very critical situation during our period of time. And as the Chair has pointed out earlier, we have moved, this Board has moved much faster and covered much more ground that anyone could have anticipated. And we are appreciative of the public's cooperation and help. And I'm sure comments earlier this morning and your concern at the present time will be given ample consideration. Thank you very much for coming.

Update of the approval for the fifth floor information only. We'll refer to the Finance Committee. Item E of the agenda, update on water issues. Mr. Craddick.

MR. CRADDICK: There is one issue that I was at. That was the public meeting on the Kula Lodge. I guess they're trying to get permits to expand their operation up there, and I guess that will be going before the Planning Commission in the not too distant future.

CHAIR CRAVALHO: Aside from this information, aside from this, the Chair would like to ask all the various chairmen of the various committees to inform Ms. Nago of the committee membership so that there will be an official roster available for all members of the Board at our next meeting.

The Chair would also want to remind the Director that we need help in terms of Fran's needing

additional help, and the Chair recalls that we were informed in the past that we were waiting for a civil service list. But there are employment agencies in the community where people can be hired, yeah, on a short-term basis, six hours a week, ten hours a week, whatever the case may be.

Because with the committee setup that we have, we're going to have more and more demands for utilization of manpower. And, Ms. Nago, I don't want to be the guilty party on you losing weight at this time, but I think there is a definitive and definite need for additional help, whether it's five hours a week or whatever, because as our committees become much more active, they're going to need it very much so. So can we have something ready for the next meeting for Ms. Nago. You can if you like.

Yes, sir.

MR. STARR: Mr. Chair, while we're still on the issue about public meetings, I would request for Mr. Nakamura an update with our planning session which is coming up.

MR. NAKAMURA: I was just about to ask for recognition just to inform the Members of the Board that our public meeting to receive additional public input on this strategic plan is scheduled from Monday May 22nd from 1 to 5 at the Wailuku Community Center. It is our hope that it will be an opportunity for the public to participate not in a formal hearing process but in a more informal give and take process. The forum will be moderated by an independent party, Mr. Tom Dinell, Emeritus Professor of Planning from the University of Hawai'i.

And the actual participation of the staff and the Board will probably be limited to mostly listening and answering specific questions if necessary, but the intent is to try to maximize the public's participation in the plans. So that's Monday May 22nd 1 to 5 at Wailuku Community Center.

CHAIR CRAVALHO: Are there any matters to come before this Board? If not, the meeting is adjourned. Thank you. Very good.

(The meeting adjourned at 9:55 a.m.)

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