

County of Maui Water
Supply

BOARD OF WATER SUPPLY
COUNTY OF MAUI
REGULAR MEETING

The Maui County Board of Water Supply held its regular monthly meeting on Thursday, July 27, 2000. The meeting convened at 9:00 a.m. in the HGEA Conference Room located in the David K. Trask, Jr. Office Building, 2145 Kaohu Street, Room 207, Wailuku, Maui, Hawaii.

Board Members in attendance were Chairman Elmer Cravalho, Clark Hashimoto, Vice Chairman Adolph Helm, Howard Nakamura, Michael Nobriga, Peter Rice, Jonathan Starr, and Orlando Tagorda. Ex-officio member from the Mayor's office, Brian Miskae, was also present. Staff present was Director David Craddick, Michael Quinn, Herbert Kogasaka, Herbert Chang, and Jacky Takakura. Present from the public were Council Chair Patrick Kawano, Danny Mateo, Glenn Jackson, Hugh Starr, Mark Collins, James Jones, and Kurt Himmler.

The following is a transcript of the taped proceedings of the meeting:

CHAIR CRAVALHO: Meeting of the Board of Water Supply come to order. Ms. Nago, will you check the roll please for us?

MS. NAGO: Okay, Board Members in attendance are Mr. Elmer Cravalho, the Chair; we have Clark Hashimoto, Michael Nobriga, Jonathan Starr, Orlando Tagorda, Adolph Helm, and Howard Nakamura. We have our Director, David Craddick; we have Howard Fukushima, Corporation Counsel; we have Council Chair, Pat Kawano and from his office, Danny Mateo; we have Hugh Starr, Mark Collins, Jimmy Jones, and Glenn Jackson. And your name, for our records?

MR. HIMMLER: Kurt Himmler.

MS. NAGO: Kurt Himmler? Thank you.

CHAIR CRAVALHO: A quorum is present, so shall we then proceed with the business before the Board? Approval of the minutes of 6/8 and 6/22, year 2000. Mr. Nobriga?

MR. NOBRIGA: Mr. Chairman, I move that we receive the minutes of July 8th and July 22nd for review for 30 days, and if there are no corrections, they shall be filed.

CHAIR CRAVALHO: You mean June, don't you?

MR. NOBRIGA: Oh, yeah, June. I'm sorry.

CHAIR CRAVALHO: We've heard the motion duly made and seconded. The motion made by Mr. Nobriga, seconded by Mr. Starr for the receipt of the minutes, same be placed on file for a 30 day review. Any discussion? If not, are you ready for the question? Those in favor say aye. Contrary? Carried. Testimony from any member of the public on any matter that is before the Board or any other matter to come before the Board at this time? Hearing none, shall we then proceed to the regular agenda, director's reports. Mr. Craddick, Director's Report 00-32.

MR. CRADDICK: Okay, this is the USGS well monitoring that we do here in Iao Aquifer, and the Apana Tunnel - the Kailiili Tunnel in Awalau. And it's a yearly program that we do with them. They put in 50% of the funds, and we pay 50% of the funds to monitor what we use out of Iao Aquifer.

CHAIR CRAVALHO: Is this a matter that's already in the budget?

MR. CRADDICK: Yes.

CHAIR CRAVALHO: If there are no objections - Mr. Starr? If there are no objections, proceed with the provisions of the budget and proceed with implementation. Old business, request approval of funding for the West Maui Watershed Management Agreement.

MR. NOBRIGA: Mr. Chairman?

CHAIR CRAVALHO: Mr. Nobriga?

MR. NOBRIGA: Finance Committee met on June 15th to discuss this issue, Director's Report 00-28. The Committee feels that this project is important to the protection of the watershed in West Maui, and recommends its approval by the Board.

CHAIR CRAVALHO: Is that in the form of a motion?

MR. NOBRIGA: Yes, Mr. Chair.

CHAIR CRAVALHO: Is there a second.

MR. NAKAMURA: Second.

CHAIR CRAVALHO: The motion duly made and seconded. Motion made by Mr. Nobriga, second by Mr. Nakamura for the approval of the requested item. Any discussion? Hearing none, are we ready for the question? All those in favor, say aye. Contrary? Carried. Communication 00-15 from Council Chair Mr. Kawano. What's the pleasure of the Board? Mr. Nobriga?

MR. NOBRIGA: Although we did skip 00-30, we will go to Communication 00-15, communication from Council Chairman Pat Kawano. Your Committee on Oversight did review this matter. The project in Molokai on Iliahi Street has been ongoing for four years. The Department provided a letter to the bonding company dated May 30, 2000. It appears that the project has been all but

forgotten by the Department. Your Committee would like to severely reprimand the Department for not addressing this unfinished capital improvement project sooner. The cost for completion is set at about \$50,000. Your Committee wishes that the Department and Corporation Counsel's Office answer all the questions raised by Council Chairman Pat Kawano. I was handed a letter this morning from the Director which is after-the-fact. The Committee would like a list also from the Department of all similarly unfinished cip projects that are in limbo. I move that this matter be referred to Finance Committee for appropriation of \$50,000 for completion of this project and finish paving of Iliahi Street.

CHAIR CRAVALHO: You've heard the motion. Is there a second? Second by Mr. Helm. Mr. Craddick, the pending motion is for referral, and that's the only matter before this body. Any other comments would not be - unless it's for the referral. Mr. Starr?

MR. STARR: Mr. Chair, this situation is very serious. Let's try to wrap this up as quickly as possible.

CHAIR CRAVALHO: Mr. Craddick?

MR. CRADDICK: When you say referral, what do you mean?

CHAIR CRAVALHO: I beg your pardon?

MR. CRADDICK: When you say referral, what do you mean?

CHAIR CRAVALHO: Referral to the Finance Committee. That's the motion. The Chair is not the maker of the motion. If you wish to receive the intent of the motion, you raise the question with Mr. Nobriga. My understanding is it's a referral to the Finance Committee with a recommendation for the necessary appropriation. At that time, it will be discussed. You've heard the motion duly made and seconded. Any further discussion? Hearing none, all in favor say aye. Contrary? Carried. Can we then go back...

MR. NOBRIGA: Mr. Chairman?

CHAIR CRAVALHO: One moment, Mr. Nobriga, if you don't mind. The Chairman's oversight with respect to Director's Report 00-30 about the write-offs. What's your pleasure?

MR. NOBRIGA: Mr. Chairman, the Finance Committee also met on June 15th to discuss the issue. We have reviewed the information provided by staff and Mike Quinn, our Fiscal Director. We believe the Department is making very diligent efforts to collect past due accounts on behalf of the Department of Water Supply, and these accounts represent genuine bad debt. We'd like to move that the Board approve the write-off as covered in Director's Report 00-30.

CHAIR CRAVALHO: Is there a second?

MR. NAKAMURA: Second.

CHAIR CRAVALHO: You've heard the motion duly made and seconded by Mr. Nobriga and Mr. Nakamura for the acceptance and the follow through on the Director's recommendation for the write-off of the listed accounts. Any discussion? Hearing none, are you ready for the question? All in favor say aye. Contrary? Carried. Shall we then proceed to the next item? With respect to fire hydrants, a request of Mr. Thomas Kafsack. The Chair refers the matter to the Oversight Committee.

MR. NOBRIGA: Mr. Chair, the Oversight Committee is prepared to take care of this matter at this time.

CHAIR CRAVALHO: The Chair would respectfully request that you take this to your committee.

MR. NOBRIGA: Thank you, Mr. Chair. So noted.

CHAIR CRAVALHO: The same action with respect to the communication request from Mr. Roy Okumura. My understanding of this particular item has been taken care of by administrative action. Is that correct, Mr. Craddick?

MR. CRADDICK: That's correct.

CHAIR CRAVALHO: So in effect, the communication is withdrawn because it has been handled administratively.

MR. STARR: Can we have a short recess?

CHAIR CRAVALHO: Anything you want today. I said today remember.

MR. STARR: Okay.

(SHORT RECESS TAKEN)

CHAIR CRAVALHO: Shall we then proceed with the business before the body? Request of Mr. Shawn Kajiyama. Same action. The Chair realizes and understands that the Committee may have acted on the various requests that are before this body. The Chair looks forward to receiving for our next meeting the formal committee report and the recommended actions. And we have this procedure to follow at all times, we'll be in good shape. And then Mr. Nobriga can have all the time in the world for campaigning. Communications, the request of Carolyn J. Moore for a waiver of subdivision requests. The Chair would like to make reference again to the referral of Communications 27, 28, 29, referral to staff and administration to report back for further action on the part of this body. Same thing is true with respect to Communication 00-30, refer to the Committee of Finance as it deals with rates with participation by the administration. Same thing with respect to Communication 00-31, a request of Mr. Jones of Pukalani for agricultural rates. Communication 00-32...

MR. HASHIMOTO: Mr. Jones is here.

CHAIR CRAVALHO: Mr. Jones is here? The Chair did make reference earlier if anyone wished to testify or to say anything on any matter, the Chair would be very happy to extend the opportunity to Mr. Jones if he wishes to make any comment on his communication. It is going to be referred to committee.

MR. JONES: Just a comment. I am the owner of Pukalani Plant Company. And I operate a nursery company at 193 Alalani Street in Pukalani on rural land, and I had agricultural water rates on that property. At 304 Alalani Street, I had agricultural water rates. I purchased the home next door to me intending to use that as a way to expand my business and operate and expand my nursery. And I've put in an application for agricultural water rates and was denied.

CHAIR CRAVALHO: The referral of the Chair shall stand. The Committee will review the request and the applicable ordinances and/or statutory requirements to make the final decision and recommendation back. The same thing with respect to Communication 00-32, request from Robert and Juanita Pahia dealing with rates. Communication 00-33 for a waiver of the water system development fee - Finance Committee. Mr. Krueger, regarding a request that's pending before the appropriate committee, the Oversight Committee, dealing with Mr. Niehaus - David Niehaus's request - refer to the Oversight Committee. Communication from Mr. Finberg, Upcountry Christian Fellowship regarding a eulogy service on July 21st, 2000 - that date has already passed. I'm hopeful that there were appropriate requests of the Lord to guide us in our proceedings before the County of Maui. And we request that the staff send a letter of communication or communication to the church and the reverend thanking them for their continued concern and interest in the activities of the Board of Water Supply. And this does reflect the opinion of the entire Board. In other business - Upcountry discussion, Upcountry water situation.

UNIDENTIFIED VOICE: Mr. Chair?

CHAIR CRAVALHO: One moment please. I'll be right with you. Mr. Starr?

MR. STARR: Yes, Mr. Chair. I have heard some rumor that there might be some discussion or some kind of negotiations that are ongoing by a committee of this Board relating to some matters that might impact the Upcountry water situation. And since those have never been brought before this Board or the Board has never set criteria for, I would like to ask Corporation Counsel to give us an opinion, a written opinion, on what the proper form is for meetings, committees, negotiations by members of this Board, and what is needed by board action to authorize those things.

CHAIR CRAVALHO: The Chair recognizes your alleged concern. The Chair is well aware, and I'm sure all members of this Board are well aware of the statutory requirements as it deals with meetings, as it deals with negotiations, representing this Board or representing an official committee of this Board. Any discussion by any individual member of the Board, not necessarily representing this Board, or officially representing the activities or decisions of a committee, is not a proper item to be brought before this

Board until and unless we know in fact that there have been, in fact, negotiations on the part of this Board. And this Board has, in the Chair's opinion, no jurisdiction with respect to any opinion, with respect to any discussion of any member of this Board on any matter of public interest which would have to come back to this Board at any time in the future. The Chair recognizes Mr. Starr's requests, and the Chair requests and admonishes all members of the committee to follow through without fail the requirements of the law. This in no way should be construed as any attempt by Chair or by this Board, unless overruled, to stifle, to eliminate, to reduce, or to intimidate and defer or delay any kind of discussion on any public matter whether it be in the political arena or otherwise. That's the ruling of the Chair. Your concern is well received. The Chair has great respect for all members of this Board, and that all members will conduct themselves in accordance with the law. I have no fear of that. And I think it would do a lot to alleviate - let this stand with this understanding. If this does not meet with the approval of Mr. Starr or any member of the Board of Water Supply, and if it were to facilitate the proceedings, the Chair then would state the previous discussions and the previous contents as a ruling of the Chair, and as such, it may be appealed by any member of the committee. And an appeal of the Chair would require a motion and a second. That's Robert's Rules of Order, and that's the appropriate procedure. And the subject is closed as far as the Chair is concerned unless there is an appeal of the ruling from the Chair. Hearing none, so be it.

MR. STARR: Mr. Chair?

CHAIR CRAVALHO: The Chair has ruled. Thank you, the Chair has ruled. Shall we proceed to the next item?

MR. STARR: Mr. Chair?

CHAIR CRAVALHO: Mr. Starr, for what purpose do you arise?

MR. STARR: I move for appeal of the ruling of the Chair.

CHAIR CRAVALHO: The subject matter has been closed. That's the ruling of the Chair. It's closed. Now do you wish to appeal that ruling of the Chair?

MR. STARR: I would like, first of all, a clarification of the ruling which you offered to give, and then I will...

CHAIR CRAVALHO: The Chair will rule that request out of order because the Chair has ruled. There was no appealing of the rule of the Chair at that time, and the subject was closed. That's the ruling of the Chair. Shall we proceed to the next item, discussion regarding Upcountry water situation. Mr. Craddick?

MR. CRADDICK: Okay, we passed out what the current ditch levels and reservoir levels are. You have that here for your information.

CHAIR CRAVALHO: Proceed. It's all in your hands.

MR. CRADDICK: Oh, okay. Well, the Wailoa Ditch is at 68% of capacity. Kamole Treatment Plant produced 6.9 million supplemented with one and a half from Hamakuapoko. Piiholo Water Treatment Facility is at 99%, the Piiholo Reservoirs. Waikamoi Reservoirs are 56%. Kahakapao is 97%. Olinda Treatment Facility produced 1.74 million. Total demand was 7.5 today and yesterday. The average for last week was 7.3 million.

CHAIR CRAVALHO: May the director's report be accepted. Is there any motion on the part of this body that wishes to rescind the existence of the emergency situation - the drought situation? Hearing none, the Chair expresses its appreciation and thanks to the director. Shall we then proceed to the next item of business, staff reports. Mr. Starr?

MR. STARR: Mr. Chair, I believe we're missing one agenda item. I do have a comment regarding an issue discussed at public meetings. May I proceed?

CHAIR CRAVALHO: Yeah.

MR. STARR: At several meetings I've been at recently, people commented very favorably on the availability of our minutes and other information on line on the web site. Since the public seems to really be appreciative, I'd like to commend the staff for making that available. I have a bit of concern, though, because for the first time since I've been on this Board or attended any public meeting for years before I was on the Board, I do not see anyone taking the minutes down. I'm wondering where the stenographer is or if this is a change in policy of the Board?

CHAIR CRAVALHO: The Chair is just as amazed as you are. The Chair has received this information, visual information, the same time that you did. In fact, I think perhaps you got it a little earlier than the Chair here because you were here before me. So I'm not aware. Ms. Nago?

MS. NAGO: I apologize. I got a phone call this morning, and Iwado Court Reporters, for the first time in all these years, was not able to send a reporter. They had scheduling difficulties. I am taping it, and I will be transcribing it.

MR. STARR: So we will be receiving minutes, and they will be posted in the same fashion as they have been.

MS. NAGO: Correct.

MR. STARR: Okay. Thank you.

CHAIR CRAVALHO: Any further discussion? Any further staff reports? Hearing none...

MR. CRADDICK: Well, we have all of these here, and there's a little table in the front of which groups presented a report.

CHAIR CRAVALHO: The Chair made a request of many discussions on the same. The Chair respects the ability and the capacity of all members of the Board to be

able to read. No further - one moment. Mr. Helm?

MR. HELM: Excuse me. Just a question on ongoing projects on Molokai. What's the status on the Kam V waterline bidding process and the Puili and Pano Place waterline project? Where are we at with that?

MR. KOGASAKA: The Kam V waterline project is going into construction. I believe we prepared the contract for that. The Puili and Pano Street waterline improvements is in design.

MR. HELM: And Kapaakea?

MR. KOGASAKA: Similarly, that's also in design and the notice to proceed has been issued.

CHAIR CRAVALHO: Mr. Craddick?

MR. CRADDICK: We skipped one item there, the discussions at public meetings. One I was invited to, the Waimea Round Table. And another one was with the Department of Health over on Molokai. They're trying to do a pilot program over there for fluoride. Adolph was able to attend that meeting. Basically what was said was if they wanted to do it, this Board would have to approve it if it wasn't a law that we had to do it. So I think they're working on some kind of presentation to the Board in the future.

CHAIR CRAVALHO: Any further discussion on matters before the Board? Hearing none, the meeting is hereby adjourned.

There being no other business to discuss, the meeting was adjourned.

Submitted by:

Frances L. Nago
Secretary to the Board of Water Supply

"By Water All Things Find Life"

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