

County of Maui Water
Supply

BOARD OF WATER SUPPLY

COUNTY OF MAUI

PUBLIC HEARING

Held at the Haiku Community Center, Haiku, Maui,
Hawaii, commencing at 6:00 p.m. on March 4th, 2002.

REPORTED BY: LYNANN NICELY, RPR/RMR/CSR #354

IWADO COURT REPORTERS, INC.

A P P E A R A N C E S

BOARD MEMBERS:

Peter Rice, Chairman

Clark Hashimoto

Howard Nakamura

Mike Nobriga

Jonathan Starr

Kent Hiranaga

STAFF PRESENT:

David Craddick, Director

Ed Kushi, Corporation Counsel

Fran Nago, Board Secretary

CHAIRMAN RICE: I'm going to call to order our public hearing. Public hearing is now in session.

We're here to obtain public input on the three rules that have been posted for hearing.

Present at the hearing on my right is Director David Craddick, Corporation Counsel Ed Kushi, Jr. on my left, followed by Howard Nakamura, Clark Hashimoto, and Jonathan Starr.

Notice was published in the Maui News on Monday, January 28th. Announcement of the hearing was also published in the Molokai Dispatch and in the

Molokai Advertiser News.

Copies of the proposed rules and amendments were there at the door. Everyone got a copy if they needed it. And is there any written testimony to be presented at this time? I've got two testifiers who signed up. Just want to make it clear that we're not here to -- and at the end of the hearing, we're not going to vote on any of the amendments or rules. That will take place at a subsequent board meeting when it's noticed, so you don't have to worry about that. And normally we would limit testimony to a fraction of a minute, but I think we could extend it to three minutes today. Okay.

Let's go first, Audrey, you want to testify on all three of them?

MS. ANTONE-BLAAK: I think I'll perhaps touch on them, but I'll just go ahead and give my testimony.

CHAIRMAN RICE: I'm sorry, Audrey, one second.

I asked Mr. Craddick to go through each of them real quick, give you a brief summary, and then we'll go

ahead. It might be helpful.

MR. CRADDICK: We have Amendment to Chapter 2, Title 16 of the Board of Water Supply's Rules of Practice and Procedure relating to appeals of decisions and orders of the Director of the Department of Water Supply to the Board. And this amendment basically has procedures for appeals, standing to appeal, filing of the appeal, and one added item from the last time this went out to public hearing is 16-02-76, item (c), "All appeals shall include a processing fee in the amount of \$300." I presume that's nonrefundable, but I don't know.

Anyways, the next item is Proposed Amendment to Chapter 8, Title 16, of the Board of Water Supply's Water System Development Fees Rule, and there are seven changes. First one is adding definitions "distribution system," impact fee," and slight change in the "source development" definition; revises the penalty provisions for previously removed meters; revises and clarifies the exceptions from fee

payments; revises the payment schedule -- this is the payment -- in the rule, there is an ability to make the fee in payments and that is revised slightly from one-third down and the balance over three years. And that's the current what it is. And then the next one allows some changes to that. It's not a revision. It's a schedule of fees which already went out to public hearing.

(E), revises the payment plan schedule for fees; and (f), adds interest to fees collected and maintained by the Board; and (g), revises miscellaneous, non-substantive and/or clerical provisions of the rule.

Then item 3 is the proposed new rule to Title 16 of the Board of Water Supply entitled "Water Meter Issuance Rule for the Upcountry Water System" and basically it's providing a uniform procedure to handle requests for water service from the priority list applicants; establishes definitions; defines and clarifies priority list applicants; establishes a time period for applicants not on the priority list or who have other preexisting rights -- or others who have

preexisting rights to apply for water service; and it establishes a meter size limit for water service; provides for exceptions for applicants possessing source credits; provides for a waiver or modification of requirements through Board approval; provides for partial waiver of fees; and provides an automatic repeal date of the rule. That's a summary of what's in here.

MR. KUSHI: Mr. Chair, if I may, on the amendments to Chapter 2 dealing with the appeals to the board, on the hand-out that was prepared and issued to the public, there is one correction under Section 16-02-79, standards of appeal, I believe the ones that the public has states that the Board, upon a majority vote, may reverse or modify the decision.

I believe the correct version should be that the Board, by a two-thirds vote of its entire membership, voting membership, was the intent of the Board. So just to make clear that almost on a situation where in terms of a variance that the Board

has decided that they wanted a super majority in order to reverse or modify.

CHAIRMAN RICE: Thank you. Let the record show that Board Member Nobriga is present. Mike, do you want to say anything?

MR. NOBRIGA: No, not right now.

CHAIRMAN RICE: Members of the public who are present, we're going to go through the rules one at a time, so we're going to take all the testimony on the amendment to Chapter 2 first. Then we're going to go to the next one on the list and then we're going to finish with the Upcountry Water Meter Issuance Rule. So right now -- we have people signing in.

Okay. Audrey, you're the only person signed up to give testimony on the amendment to Chapter 2 which is the appeals procedure.

MS. ANTONE-BLAAK: Sorry, I just realized that

I'm only going to speak to the water meter issuance rule.

CHAIRMAN RICE: The last one? Okay. Is there anyone here who wants to give public testimony on the appeals amendment to Chapter 2 appeals? This provides for a method for people to appeal the decision of the director. Last chance. Okay. The second --

MR. STARR: Mr. Chair, just for clarification, what's the difference between this and the way it had been previously submitted? I guess that's a question to staff. Because this rule -- this rule, the first one, the appeals, that had previously been submitted.

CHAIRMAN RICE: Oh, the \$300.

MR. STARR: What was it before?

MR. CRADDICK: Nothing.

CHAIRMAN RICE: Nothing.

MR. STARR: Okay.

CHAIRMAN RICE: Okay? I think the committee wanted -- when the committee recommended the rule, correct me if I am wrong, there was a fee involved.

MR. STARR: Okay.

CHAIRMAN RICE: That's it again. Nothing on the appeal. Okay. We're going to move on to the proposed amendments to Chapter 8 on the Water System Development Fee Rule. That's the -- and I don't have anyone marking testimony on that either? We're going to move on to the upcountry -- everyone is here, that's the interest in the upcountry meter issuance. That's good.

MS. KRASH: Peter, I didn't sign up, but I would like to just say just one thing on that rule.

CHAIRMAN RICE: You are more than welcome.

Let's do it officially then.

MS. KRASH: My name is Elliott Krash and I'm speaking for the Kula Community Association. And I'm not sure when or if the public meeting will be held Upcountry, so I just wanted to have this opportunity to thank you publicly. And this is one of the issues that we have heard much concern from people on that when you increased the rate, what about people who have been waiting and waiting and can't pay. And we appreciate the fact that you have revised this rule to make the payment plan easier for people, to give them a payment schedule and recognizing that it could be difficult -- you've allowed it be made in payments and spread out over a longer period of time. And I simply want to thank you for listening, for taking the time to work on this, and for involving members of the public in the process of developing this rule. Thank you.

CHAIRMAN RICE: Thank you, Elliott. Any questions of Elliott? Members of the board? Thank you.

Any other testimony again on the Water System Development Fee? Mike?

MR. NOBRIGA: Peter, I just wanted to point out that the portion of this rule Title 16 dealing with the rates and credits to the fees, that portion of this rule went to public hearing and was submitted to the mayor and the county council. The reason why we sent it up before having testimony and looking at the other amendments that we put in place for this rule was because the department seriously lags behind about six years in fee structure. And just need to point out that I want everyone to realize that the department for the last five years has operated in deficit, which no one would allow their own business to do.

At the same time, special consideration needs to be made to what Ms. Krash alluded to that in Section 16-08-10, we provided some extremely good financing for homeowners because our intent is never

to stack the rules in favor of the large developer. Our intent is always looking toward the family owners and the people that have lived here for hundreds of years almost, passing the land on to their family members. And we wanted to make sure that they had the best possible opportunity to vote for it once we take care of the situation of adequacy versus inadequacy to the systems. Thank you.

CHAIRMAN RICE: Thank you, Mike. Okay. Just for the new people who've walked in, we've been through -- for those people who are new here to the meeting just now, we were going to go through these amendments and rules one at a time. We've gone through the amendment to Chapter 2 and we've gone through the amendment to Chapter 8. Chapter 2 is the appeals process and Chapter 8 is the Water System Development Fee Rule. Is there any other testimony on either of those these two? Other written, oral? Hearing and seeing none, we're done with that.

We're moving on to the third item, proposed

new rule entitled to Title 16, Water Meter Issuance Rule for Upcountry Water Systems. And in order of your sign up on that issue, Susan Beasom. When your name is called, if you would come to the mike there where that white paper is and sit and state your name for the record.

Let the record also show that Kent Hiranaga is here, board member. And for those people who were not here earlier when we started, there is no -- there will be no action taken by this board. This is a public hearing. We're here to get testimony on any of these proposed amendments or rules. They will be taken up at a subsequent meeting which will be noticed. Thank you, Susan.

MS. BEASOM: My name is Susan Beasom and we have a house off of Kokomo Road with four acres. In 1994, we applied to subdivide it into two two-acre lots and we were then placed on the list, the water list, for a water meter. Due to the uncertainty of when we were going to be issued a water meter, our subdivision has since lapsed. And we were just -- we

just found out, verbal indication, that our name is to be deleted from the list.

We still intend to subdivide if we could get a water meter and we don't -- we don't want our name to be deleted from the list and have to start all over with this process. So that is my appeal, that we still intend to subdivide and we do not want to be taken off the list. Thank you very much.

CHAIRMAN RICE: Susan, thank you. Are there any questions of Susan, members of the board?

Mr. Starr.

MR. STARR: I'm a little unclear why you would be removed from the list.

MS. BEASOM: So am I. We were told that it was because our subdivision has lapsed, that it has expired or lapsed and we've been waiting for the water meter. And we're indicated on the list that's on the website, we're on that list, and we just happened to

find out because we had called or we had -- and then we talked to someone in engineering and they said that it was -- that there is a note that we were to be deleted.

MR. STARR: I suggest you talk with the director and, you know, I don't think that's the intent of -- certainly not the intent of the rule making.

MS. BEASOM: Right. Okay. Yeah. That's -- I was advised to attend this meeting. Thank you.

CHAIRMAN RICE: Thanks, Susan. Okay. Audrey Antone-Blaak.

MS. ANTONE-BLAAK: Aloha, water director, water board members, and fellow Maui residents and/or visitors. My name is Audrey Antone-Blaak. I am number 547 as of September 10th, 1997, on the water meter waiting list.

I have noticed in the reference section of the waiting list that the letters "SD" refers to a subdivision. I have counted 104 subdivision requests before my number. It appears, according to the latest update of the rules of the Board of Water Supply pertaining to water meter issuance for the upcountry water system mailed to me last week -- and I'm hoping this is the same rules that sits on that table as you enter -- that Section 16-106-04(e) on page 106-4 has been changed. And I quote, "Requests for water service shall be limited to one meter size upgrade to the next larger meter size or a single 5/8" meter per request or planned subdivided lot but shall not exceed the number of lots created by the subdivision."

It appears, if I am reading this correctly, that every subdivision requesting meters will be given meters for all planned lots.

So the question is if a large landowner is number 10 and number 11 with the letter "SD" indicated on the list and their subdivision requires a minimum of 50 water meters each and so on and so forth, you

get the idea, how many water meters are available?

And since your new language makes it now possible for one person to buy as many meters as lots he wants to develop or create, then where does that leave people waiting after them? Do you have enough water meters for everyone on the list? If you add up all the applicants' requests, not applicant numbers, how many meters are being requested? Many of us are simply trying to plan our futures. Having this information made public would be greatly appreciated. Thank you.

CHAIRMAN RICE: Questions? Thank you. Eric Aeder.

MR. AEDER: Hello, water board and fellow Maui members, community. My name is Erik Aeder and I'm simply addressing the concern -- the motion -- the language in the papers here that -- concerning whether one meter again would be issued per request or one per lot in the subdivision.

It's obviously my concern -- we've purchased a lot recently in Haiku and there is a need for two meters. There were two lots in this subdivision and,

you know, with extensive infrastructure that's being developed for two meters. The infrastructure is 90 percent complete at this point. And, you know, we just are concerned that with given the language, whichever way it goes, that if one meter is issued for the request, that opens up a whole can of worms and obviously a contention and I hate to say potential for legal complications between who would get that meter. And so obviously it seems to me that, you know, there needs to be a way of dealing with, you know, the number of meters per request. I think obviously infrastructure supporting either what's already in place or being developed. I think a lot of people that have been on the list, plans may have changed since they were on the list, scaled back or, you know, one thing or another. So that was only my concern and request that how you're going to handle decision of, you know, how that's made, which way meters would be issued. It remains open to publish discussion or -- and keeping us informed of your intentions that way and how things might be handled. Okay. Thank you.

CHAIRMAN RICE: Thank you, Erik. Any questions of Erik? Thank you, Erik.

MR. REZENTS: Good evening and thank you for this opportunity to speak before you this evening.

The Rezents family has had some land in Haiku for many, many years, I think over 50 years, 60 or 70 years, and has been owned by the family. And only recently have we been eliminating some members so that we would own it outright so we can make it available to our family to build a house on. And we're still in that process. Without water meters, that is just grazing land, it's for cattle, so it doesn't have much value. So it's important that water meters be obtained. So I'm glad that you're making meters available to people.

However, I was told that there is a 60-day window whereby we have to do the whole thing and 60 days seem to be kind of short for me. Like 90 days or 120 days would be much better. And then we could eliminate some of the members of the family so we

could own it outright so whatever we do is for us and not having anyone else interfering with the process. So that is the one aspect that I would like to see considered, making a longer window for people to process their papers.

I haven't read the revisions or the proposals in great detail except this one part I think is of interest to the family. And so I would like to have you consider extending that window, making it a longer period of time so we can achieve some of the things that are necessary so whatever we do is for us, not have others interfering with the process. Thank you very much.

CHAIRMAN RICE: Thank you, Ernest. Any questions of Ernest?

MR. CRADDICK: The rule allows 60 days to get a reservation. You then have three years to make whatever improvements or do whatever you need to do to get the meter. So it's not just 60 days is all you

have; it's 60 days to make a reservations and that's just filling out a sheet of paper, basically.

MR. REZENTS: I see. And the reservation entails what, putting down the money for the meter?

MR. CRADDICK: Yes.

MR. REZENTS: And the installation of the meter occurs --

MR. CRADDICK: Has to occur within two years right now and the proposed rule changes after three years.

MR. REZENTS: Okay. That's much better. But the 60 day, I still have to put the money down. All right. So let's hope the cousins are willing to step aside because 60 days is still kind of tight for some loggerhead people who move like molasses on a winter day. Anyhow, I would still say that it's a good to have a little bit bigger window than 60 days. That's all I have. Thank you very much.

CHAIRMAN RICE: Thank you, Ernest. Okay. I'm sorry, someone representing the Kula Community --

MR. MAYER: My name is Dick Mayer and I would like to first make a statement representing the Kula Community Association and then I would like to speak on my own behalf separately.

With regard to the Kula Association, we would very much like to request that you adjourn this meeting and hold the meeting upcountry so that the farmers, the Hawaiian Home Lands people and others who live up there would have an easier access to be able to speak. I originally talked with Mr. Craddick about this and he indicated that we would to be able to have one. I think he tried to make the arrangements and I'm not sure where it sits right now, but we very much would like to have a meeting upcountry. I think there are many people who will be affected by this.

Now for myself -- that was on behalf of the association -- I think this rule does not recognize

that we're talking about two community development districts, the Kula-Pukalani-Makawao is one development district and Haiku-Paia is the second district. And this rule will affect two different districts. And I think there needs to be a recognition because each of the districts say different things about water, water use.

I'm going to speak about the upcountry district because I was the vice chair of the citizen advisory committee for the upcountry region and we made very specific statements with regard to water and I would like to just read a statement on that behalf.

The second item I'm going to include in the statement regards existing residents and the effect of the rule on existing residents and the particular issue that I'm concerned about is the effect on Hawaiians and on farmers.

The water board and water department surely knows that the Makawao-Pukalani-Kula community plan makes a very specific statement on the priority allocation of water. In several places in the plan itself, it states the highest priority for the

allocation of water should be for the use of diversified agriculture and Hawaiian Home Lands development.

For example, on page 34 of the Makawao-Pukalani-Kula community plan, it states, I quote, "Prioritize the allocation of water as new resources and improvements become available as follows: A, for maintenance and expansion of diversified agricultural pursuits and for the Department of Hawaiian Home Lands projects. And then B, for the uses including houses -- excuse me. And then B, "for other uses including houses, commercial, and public/quasi-public uses."

This concept is repeated in many other places and you can see for example on page 11 under Water. And again on page 28, number 2 of the Makawao-Pukalani-Kula plan, it states, and I quote, "Recognize and support the allocation of water resources for the Department of Hawaiian Home Lands projects consistent with state and federal laws." And now I'll continue.

The water board and water department is required to follow the community plan and its unambiguous clarity with respect to water use. Existing residents of the Kula area have often been put both on voluntary -- I'm speaking now not about the plan but of another issue. Existing residents of the Kula area have often been put on both voluntary and enforced water use restrictions during the past few years. Therefore before any new meters are issued, the department must assure the existing residents in ordinance that they will no longer be put on water restrictions. If such a binding assurance cannot be given, then you will only create a bigger problem if even more water meters are issued. In other words, existing residents plus new meters holders will be put on restricted use.

In summary, the water board, water department, and water director should, A, follow the Makawao-Pukalani-Kula community plan; and B, protect the existing residents from future water restrictions.

I would ask that the plan itself indicate how its priority listing, namely the list itself,

interacts with the community plan; otherwise there will be a gap and there will be legal questions that will surround this issue for as long as this rule is in effect.

CHAIRMAN RICE: Thank you, Dick. Are you going to give us a copy of what you read? Thanks. Any questions of Dick, please? Mr. Starr.

MR. STARR: Just to try to understand, I thought that we had a hearing scheduled for upcountry.

CHAIRMAN RICE: I'm going to address that. We are. We will be. If you want me to, I can do it right now. It is our intention to adjourn this meeting and to schedule another one upcountry. We had a date picked. Unfortunately, we didn't pick a very good date and there was some conflict and so we cancelled that and we're picking another date and we'll be letting you know on that.

MR. MAYER: Thank you. I think people would appreciate it.

MR. CRADDICK: Is it a public hearing or is it just a special board meeting?

CHAIRMAN RICE: Public hearing. We're going to adjourn this meeting and --

MR. NOBRIGA: Recess.

MR. CRADDICK: Recess this meeting.

CHAIRMAN RICE: What's the correct terminology?

MR. KUSHI: Separate public hearing.

MR. CRADDICK: Because then that's going to require a 30-day notice and I thought we said we were just going to have a special board meeting because the public hearing notice is already met by this meeting. Because otherwise, this carries it way on into April.

MR. KUSHI: That's right. So you do it again.

Because the department needs to publish the rules for the other rule amendment, so we can combine them.

MR. MAYER: Thank you very much. And if there is any way we can help you make arrangements for place, let us know.

MR. NAKAMURA: Mr. Mayer, could I ask you to clarify one point? Are you suggesting that the board should recommend to the County Council enactment of an ordinance which would guarantee all existing water users upcountry an adequate supply of water forever and ever? Is that what you're suggesting?

MR. MAYER: I'm suggesting that in ordinance somehow that existing water -- if there were a need to have restrictions in the future, that it would apply differentially to those people who have already got meters as opposed to those who will be getting new

meters because I'm not sure and I don't think that the public is convinced that there is adequate water for the present residents and to add even more meters would endanger them. So if steps are going to be taken that somehow they are more protected. Obviously if it doesn't rain for two years, no one can promise water in every case. But as close as we can get to that, with some kind of assurance that they will have priority. For example, we already do this with farmers. Farmers are given some priority over residents when we have restrictions or we have had restrictions. I would like a similar thing differentiating existing residents from new meters.

CHAIRMAN RICE: Thank you Dick.

MR. MAYER: Thank you very much.

CHAIRMAN RICE: Robert Fevella.

MR. FEVELLA: My name is Robert Fevella.

First of all, I would like to thank the board for the

change in the meter schedule for those on the list.

And my second item is I would like to address some of the comments that have been made about people that live upcountry wanting assurances that they will always have water and until you can give them that assurance, no meter should be issued.

Let me go back to 1960s when all these people moved here, the '70s, the '80s, they moved into subdivisions. And we never had water then. We had problems. 1970, I had to haul water from the ditch in Kehua to water my plants and often had to use the same water to flush toilets. Our grandparents took water from the gulches.

There is no assurance that you will always have water. And what makes the people that have meters now a priority bunch of people that is entitled to all the water.

Our families have lived where we live for over a hundred years. We live on a road that was built by the Chinese in the 1800s. This is no new subdivision. And most of the people that are proposing that are

living in subdivisions that have built in the last 30 or 40 years and in homes that have built in the last 30 and 40 years when we had water problems.

Water is to be shared by all. We got a drought, we cut back. But nobody on Maui that I know of has died because we ran out of water. We had hard times, yes, but we all still here. So what makes the people that have meters now, this priority people that, yeah, I need water and I don't want no cutbacks. It doesn't work that way.

Right now on the East Coast they are going through the same problem. What they going to say, no, we don't want no buildings because we don't have water. It doesn't work that way. Water is to be shared. It belongs to everybody.

And I think we've been on that list long enough. Some of us decades, waiting for water living on a road that's been there since the 1800s. Somebody is not doing their job.

Another thing, a person mentioned about the building permit being expired. It has cost us hundreds of dollars to keep up that permit because the

permit is not forever. They give you six months. They give you another six months. Every time you apply, \$75 in engineering fees. All that is added on.

And another thing. I got a 3-lot subdivision, Lot A, Lot B, Lot C. There is a house on Lot A. There is an ohana on Lot B which my daughter lives in for 15 years. This subdivision has not been able to be approved because I cannot get a meter for this Lot B. I cannot get a meter for Lot C because that's a new lot. But why can't this Lot B get a meter? That person is on the system already. That rule doesn't make sense. Does it? It doesn't make sense. You just keep on rolling us along, costing us money, hundreds and thousands of dollars to fight this problem.

You know, I've come -- I've been to so many meetings already. I just about disgusted with this system. You know, I even feel like my civil rights are being violated. Why do we have to go through all of this? A 3-lot subdivision, family subdivision. I'm not selling no land. I got folder this thick and

99 percent of those papers are from the water department. You could almost buy a lot with all the paper you use. That's all I've got to say. Thank you.

CHAIRMAN RICE: Any questions? Okay. Thank you, Robert.

MR. FEVELLA: You want to say something, Jonathan?

MR. STARR: Just we're trying to fix that problem for you.

MR. FEVELLA: You know, like I say, you going to fix, you going to fix. When is it going to happen? It's been so long. People are dying waiting.

CHAIRMAN RICE: Is there anyone else here who wishes to give testimony on anything at this point?

MR. SING: My name is Byron Sing. Our family is a kama'aina family in Pauela for like 60 years. So we were trying to put our name on the list to get a water meter. But, you know, it seems unreasonable.

We had to wait a long time. And my grandmother gave us some land that my brother and my sister and I want to subdivide and get a meter. So I feel that kama'ainas should have first priority to get a meter. So, you know, it's only fair because she has been -- our family been here for like 60 years. So, you know, the water goes past the ditch, goes to Kihei. You know? I mean, that's not fair. So that's it. Okay. Thank you.

MR. NOBRIGA: Excuse me. You tried to apply and you got on the list or --

MR. SING: Yeah, our number was like 600-something about two years ago. I don't know what the number is now.

MR. NOBRIGA: Thank you. Concern was I guess this nice lady here she was on and now she's still lost.

MS. Antone-Blaak: Can I ask for an answer to my question? Was my interpretation correct on that change?

MR. CRADDICK: You say change. I'm not sure what you mean.

MS. Antone-Blaak: I quoted the Section 16 --

MR. CRADDICK: I have the (e) here that you were talking about.

MS. Antone-Blaak: 16-106-04, letter (e) as in elephant.

MR. CRADDICK: Okay.

CHAIRMAN RICE: Hold on a second.

MR. NOBRIGA: Ms. Antone-Blaak, this rule does not cancel the existing rules of the Board of Water Supply in relationship to health, safety, and the welfare and the detriment to others on the system.

This rule does not automatically waive fire protection. It would still be required of the applicants on the list to meet fire flow requirements; in other words, the size of the pipe that they're hooking up to must be large enough. This also takes into consideration the development fees which we are proposing. There is a provision in this rule to give assistance to the real family subdivisions by waiving part of the development rules. So a big subdivision would have to still pay some big bucks and also have to meet the additional requirements that the department does place on these large developers.

MS. ANTONE-BLAAK: That's really not my kuleana, Michael, I understand that and that is the department's kuleana. What I'm saying is that are there large subdivisions who are going to be given large amounts of water meters because according to what I interpret, and I haven't been told yet that I'm interpreting this incorrectly, this new rule now states that if number 50 on the list wants 500 water

meters and he has a subdivision that requires 500 water meters and he can pay for it, then he will get it. Am I correct?

MR. CRADDICK: I don't know if there are any on there that need 500 meters.

MS. ANTONE-BLAAK: Well, how do we know? You know that; not us.

MR. CRADDICK: No, I don't know that.

AUDIENCE MEMBER: What's the most on the list of one single applicant?

MR. FEVELLA: What was the thing about three meters per subdivision?

MR. NOBRIGA: Only family subdivision.

CHAIRMAN RICE: SD could mean somebody was a family subdivision.

MS. ANTONE-BLAAK: Absolutely. If somebody needs 10 water meters, will they get it according to this new rule?

MR. CRADDICK: It's not complete yet. The board still has to deliberate.

MS. ANTONE-BLAAK: This is what the rule is as of tonight. It is being composed as it's written and we are giving testimony on it.

CHAIRMAN RICE: In theory, as the rule is written, people would go in order of the list.

MS. ANTONE-BLAAK: And if they need 50 or if they need 10, they will be able to buy it if they have the money, correct?

CHAIRMAN RICE: In theory.

MS. ANTONE-BLAAK: Thank you.

MR. STARR: Mr. Chair? I just want to make a comment that there was a lot of discussion of this. Some of the board members had felt that it might make more sense to limit the number of meters per applicant. In the end, it was decided by a majority to send it out with the wording like this, which would give unlimited meters to subdivisions and the reason we're here at public hearing is to hear people's comments and we'll be hearing comments upcountry as well and on Molokai.

CHAIRMAN RICE: Any other testimony?

MR. MAYER: When you go out to the next hearing on this, would it be possible for the public to have some sense of how many meters have been requested in the listing? In other words, we have got a thousand applicants. Does that represent 1,000 or 5,000? I think the public would like to know that.

MR. FEVELLA: How many people are on the list?

MR. MAYER: And let me just ask, because somebody may be number 400 on the list. It may turn out that all the large subdivisions, another 800 to 900, are way behind him, or that he prefers 20 in the list. So in the first hundred, this is how many applicants. The second hundred, this is how many applicants. You have that list. That would give people an idea how many meters are ahead of them. Right now they really don't know because they're a number on the list.

CHAIRMAN RICE: I think we can prepare some type of schedule like that. I think that would be helpful.

AUDIENCE MEMBER: So does that mean if we're 500 on the list, we're actually 5,000 on the list?

CHAIRMAN RICE: There is not 5,000. There is

roughly how many names are on the list? Eight hundred or something like that.

MR. CRADDICK: Actually, in the revised list it's about 500.

MR. NOBRIGA: I didn't look at the website recently, but --

MR. AEDER: My name is Erik again. From everything that's been said, we can only presume the way it's working here is that you're going to -- your intent is to clear the list completely, which means you know how many meters are requested by each applicant so you know that you have enough source to potentially satisfy all the names on that list. Because that's the way it makes it sound. I mean, if anybody gets stopped at 500 and they're number 501, they are going to be screaming. So you must realize that we've got enough to satisfy everybody, given that some requests are for 10 meters and some --

CHAIRMAN RICE: In theory, that's correct.

MS. AEDER: Bonnie Aeder. Basically if you are going to limit -- because is this meeting about possibly limiting how many meters are going to be given?

CHAIRMAN RICE: No, this meeting is just about the rule that's being proposed. It's not about -- we shouldn't go away from this meeting thinking we're going to do X, Y, or Z. We want to get the public's testimony. The board will deliberate further on the issue. We know it's a very sensitive issue. We want to do the right thing. So that's one of the reasons you have public testimony.

MS. AEDER: So I guess the bottom line really is how many applicants and how many meters each applicant is requesting?

CHAIRMAN RICE: Mr. Starr.

MR. STARR: Just to comment that recently the board had done a finding of adequacy for upcountry through the Committee of the Whole and we identified a certain amount of water that was felt to be available, plus a rather large expense we bought 100,000 gallons a day from Everett Dowling. I forget how much the finding of adequacy was. I think it was about 300,000 gallons. Howard, do you remember?

MR. NAKAMURA: I don't recall, but there were definitely some numbers associated with it. So it's not an unlimited source, clearly, although the board is in the process of developing additional source upcountry in addition to dealing with this issue of meters.

MR. STARR: I think at the current time it was 300 plus the 100-something, in that range, which would issue about, what, 400 meters. Pookela well will hopefully be coming online within the year also.

MR. MAYER: If I could quote from Mr. Nakamura's report from last September, just read one sentence there, "There is a waiting list of persons who [inaudible] additional water services be maintained. It is estimated that the additional water demand generated by applicants on the list is between 750,000 and one million gallons. So if you're talking about adequacy of 300,000 and Mr. Nakamura's report indicates that there is a demand on the list for three-quarters of a million to a million gallons, there is a problem -- you said a year ago the whole list being satisfied.

CHAIRMAN RICE: Is there any other testimony at this time?

MS. LIVINGSTON: Question.

CHAIRMAN RICE: Yes, ma'am. Your name, please?

MS. LIVINGSTON: Beverly Livingston. Question about you said that you wanted to get together the

information about the number of applicants versus the number of meters. Who would be assembling that information? Is it a secretary of yours?

CHAIRMAN RICE: No, the department will assemble it.

MS. LIVINGSTON: The department? And so it will be employees of the department who will be assembling it?

CHAIRMAN RICE: Yeah.

MS. LIVINGSTON: And any idea of a time frame by which this would be assembled? Are we talking a day, a week, a month, a year?

CHAIRMAN RICE: I have no idea. It wouldn't be fair to give you any day, year, nothing at this point. I have no idea. It could be a day, it could be a week, I don't know. It wouldn't be fair to say something that I know nothing about.

MS. LIVINGSTON: Could it be available by the time that Kula meeting is happening?

CHAIRMAN RICE: Yeah, that would be our intention, certainly.

Mr. Starr?

MR. STARR: I had heard -- I think I read it in the newspaper that there was an accounting firm that was going to be looking at the list.

CHAIRMAN RICE: Right.

MR. NOBRIGA: [Inaudible] consultant.

MR. STARR: I'm sure they need work. But I assume that they will come out with a report -- they will probably come out with a report and that report --

CHAIRMAN RICE: They can't do the whole list, though.

MR. STARR: Will be public.

CHAIRMAN RICE: Yes.

MS. Antone-Blaak: Excuse me. I just have one more comment. When I put in my application for water meters, I put that I requested two water meters. Every application has the amount of meters requested written directly on it. You should have that in file, in your office, with a number written on it. It should not be too difficult for somebody to go through the files and figure out how many meters were requested. I think it would take about two hours at the most.

CHAIRMAN RICE: Robert.

MR. FEVELLA: I've got a question. I would like to know why we got to hire somebody, whoever it is, to go through that list? What is so hard about, you know, doing a list?

CHAIRMAN RICE: That's not the purpose of the --

MR. FEVELLA: What is the purpose?

CHAIRMAN RICE: The purpose of the accounting firm is because when this rule is finally passed and we start handing out meters, we don't want there to be any controversy about who's one, two, three, four, five, right on down. So the firm is going through the list to make sure that the proper documentation is attached to the request. That's what they're doing.

MR. FEVELLA: No, because, you know, everything is dated. You know, when you apply for your subdivision or your meter, everything is dated.

CHAIRMAN RICE: I know, and some of this stuff goes way back, as you know. Right? So that's not -- that's what the purpose is.

MR. FEVELLA: Somebody stop get limo.

MS. BEASOM: So if that's -- if there is a reason that you're going to be deleted from the list or if it's audited and there is a problem with your application and you've been on the list, we've been on the list since '94, will we be notified to make rectification so that we're not just -- so we can rectify the problem?

CHAIRMAN RICE: Yes. Absolutely.

MS. AEDER: Can I say one more thing? I was just wondering, how long do you think possibly this could take? Could it be another year, really, of just waiting for all this stuff to happen? Because I hear you can't commit to a time for the list thing and I understand that. You guys are busy. If you've ever been to the department, your desks are just piles. I mean, I've seen it. I understand the business. But this has been such an issue for years. Can you give us some idea of like do you think within the year? I mean, any idea where we're at?

CHAIRMAN RICE: Where we're at is passing this rule. That's the process.

MS. BEASOM: How long does that take?

CHAIRMAN RICE: We're going to have another public hearing, so that's 30 days plus, and then after we get that testimony the board will probably act on it at their next meeting. So say 60 days.

MS. BEASOM: And then it would be passed or not.

MR. NOBRIGA: Then it goes to the Mayor and the County Council.

MS. BEASOM: So like there is a couple months ahead like this. Okay. So maybe nine months to a year for passing the steps. Okay.

MR. NOBRIGA: So it's very fortunate that Councilman Molina is here with us this evening. He should be a good source for assisting us getting this

through the appropriate channels. Having soup on Wednesday? I was going to ask if we could have public hearing his place on Wednesday.

CHAIRMAN RICE: He doesn't want to do that.

Hi, Mike. Did you want to say something before we close up?

MR. MOLINA: For the record, Councilman Mike Molina, chair of the Public Works and Transportation Committee. You mentioned that there is going to be another public hearing. Do you have a tentative date on that again?

CHAIRMAN RICE: I don't think we do.

MR. CRADDICK: Probably be about the second week of April if we can get a place and if we've got board members. But it takes time to notice it in the paper, time to find a place, and then 30 days notice.

MR. MOLINA: Second week of April. And that

will be your final public hearing on this matter?

CHAIRMAN RICE: Right. And it's going to be upcountry.

MR. MOLINA: The only reason I bring that up is in public works, as you know, we voted down the meter issue fees but based on a technicality of not having the rules. And I did coordinate with the budget chair to have a special meeting during the budget session on March 22nd, so I was assuming tonight was the last public hearing.

CHAIRMAN RICE: We want to give people upcountry another chance to be -- and have the reading up there, so.

MR. MOLINA: Okay. Of course, the budget chair is on the Mainland right now, so I'll consult with him. So April -- second week of April. So we will try to accommodate at least having a public works meeting in May so we can possibly finalize this

meeting.

MR. STARR: It has to go back to the full board, we'll probably put it on the April board meeting. And then so we should be done.

MR. MOLINA: Okay. Thank you, that's all I have for tonight.

CHAIRMAN RICE: Okay. Thank you. Meeting adjourned.

(WHEREUPON, the meeting was adjourned at 7:00 p.m.)

"By Water All Things Find Life"

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