

County of Maui Water
Supply

BOARD OF WATER SUPPLY

COUNTY OF MAUI

REGULAR MEETING

Held at the Kahului Shopping Center, Kaahumanu

Avenue, Kahului, Maui, Hawaii, commencing at

9:00 a.m. on September 10th, 2002.

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

IWADO COURT REPORTERS, INC.

A P P E A R A N C E S

COMMITTEE MEMBERS:

Peter Rice, Chairman

Kent Hiranaga

Jonathan Starr

Michael Victorino

Ginnie Parsons

Howard Nakamura

Adoph Helm

STAFF PRESENT:

David Craddick, Director

Ed Kushi, Corporation Counsel

Cathy Howard, Board Secretary

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CHAIRMAN RICE: Call to order the regular
board meeting for the Board of Water Supply,
County of Maui. It's Tuesday, September 10th, 9
a.m. We're at the Kahului Shopping Center.
Board members in attendance: Kent Hiranaga,
Adolph Helm, Mike Nobriga, myself Peter Rice,
and Jonathan Starr. We are expecting Victorino

shortly and Ginnie. Others have been excused.

Board members, you have in your packet distribution of the minutes from the meeting of August 13th -- the transcript, I should say, along with the corrections from Kathy. What is your pleasure?

MR. NOBRIGA: Mr. Chairman, if I may, move that we receive the minutes of the regular meeting August 13th, subject to 30-day review. If there are no more corrections or additions,

deletions, the minutes should be filed.

MR. STARR: I second.

CHAIRMAN RICE: The motion is seconded.

Any discussion? All in favor, say aye.

[Chorus of ayes.]

CHAIRMAN RICE: Opposed, say nay.

[No response.]

CHAIRMAN RICE: Motion is carried.

Testimony from the public. I have two

indications of testimony. Glynis King and Hugh

Starr, would you care to testify at this point

or would you rather wait until the item comes up
on the agenda? Okay. Any other public
testimony at this point? Hearing and seeing
none, we're going to move on to Director's
Report 02-33, Mr. Craddick requesting
encumbering of funds. And I believe at this
point the first testifier -- is there someone
here? Before we start, why don't you come on
up. You want to testify on a broken water pipe
at Maile Place?

Glynis KING: Yes.

CHAIRMAN RICE: State your name for the record.

Glynis KING: My name is Glynis King and I'm a resident at Maile Place in Paia. I'm here to request that the Board of Water Supply address the problem that we've had on Maile Place. We've had the broken water main eight times in the last few months and the Department of Water Supply has come out and fixed it temporarily. However, that is obviously not working.

It's causing concern to myself and my neighbors because of property damage. If we were not at home at the time of the water break, it would be extensive property damage done. And I just wanted you to be aware of it. I'm not sure if you do understand that that has been occurring. Not to mention the runoff into the bay is extensive and I have photographs here to show you the damage that has been done to the beach access.

And I would just like to know -- we need

to have this problem taken care of. It's

something that you're going to address?

CHAIRMAN RICE: Yes, it's on the agenda

today.

Glynis KING: And what's the solution?

Is it going to be the temporary fix or is it

going to be a major --

CHAIRMAN RICE: We'll talk to the

director during his report.

Glynis KING: Can I give you these

photos?

CHAIRMAN RICE: Sure.

[Board Member Virginia Parsons arrived.]

CHAIRMAN RICE: Any questions by board

members for Glynis? Okay. Is there any other

testimony? You're excused. Thank you.

Is there any other testimony? Would you

like to say anything else? The neighbors?

MR. HOOPII: Hi, my name is Donald Hoopii

and I live at 7 Maile Place. And from my

driveway, four times it's been broken. And they

had repaired it just this past weekend and, you know, they still have a pothole. Every time I drive in it, you know, called yesterday for them to come back and repair it. Nobody showed up. And it's my whole driveway is all torn up. And part of my wall is cracking right now from this last waterline break. So.

CHAIRMAN RICE: Okay. Thank you. Any questions from members of the board? Thank you.

Any other testimony? We have a gentleman coming right here.

MR. ELDRED: My name is Spencer Eldred.

I live at 8 Maile Place, across the street from Donald. And the water rushes down our driveway and comes to like within one inch of our front door. And like Glynis said, if we're not there to help channel the water away, we could be suffering some real damage.

For me it's mostly landscaping and mud,

so I'm really worried that next time we won't be there and we'll have some really bad damage.

Seems to me eight times in one year is too many
times for there not to be a permanent solution
in place. Thanks.

CHAIRMAN RICE: Any questions for Spencer
from members of the board? One question. You
said eight -- the first testifier, Glynis
indicated it was eight times in several months.
Has it been over a year or --

MR. ELDRED: Well, since the start of
the year.

CHAIRMAN RICE: Since the start of the

year. Thank you. Any other testimony?

Okay, Mr. Craddick, Director's Report.

MR. CRADDICK: This request is for

encumbering about \$18,000 of pipeline

replacement funds for 250 feet of waterline with

6-inch ductile iron pipe which is a permanent

replacement. That's it.

MR. NOBRIGA: Your report is identifying

Maile Place and the testifiers seem to be

identifying a Malie Place. Are we speaking of

the same place?

MR. CRADDICK: Yes.

CHAIRMAN RICE: Mr. Helm?

MR. HELM: David, just a question on regards to the pipe. What I see here is there is two things on the agenda today and it concerns polyethylene waterline. Can you kind of give me an example as to why we had problems with that polyethylene line? Was it high pressure? Was it breaking at the joints? Can you give me an idea as to what was the problem of the waterlines breaking?

MR. CRADDICK: It is high pressure in the area, so we're assuming that's the reason why it's breaking. But the pipe supposedly is designed for that pressure. But it's the same thing like our service laterals that we're replacing, that high density polyethylene is not holding up very well in high pressure areas.

MR. HELM: And I'm just going to jump ahead real quick because you have a request to put in a polyethylene line for the Hana Highway

project, a six-inch. Now, is there a difference
in water pressure that we're talking here?

Because it seems like your putting in the same
kind of pipe at a different project.

MR. CRADDICK: The pressure is lower.

It's going up to a tank and coming out of the
tank. This is the very lowest rated seashore
level from our tank at Kahului which is about
300 what foot elevation -- 350.

MR. KOGASAKA: The tank is at about 300.

MR. HELM: What kind of static pressure

are we talking about in the pipe?

MR. CRADDICK: Probably out there,
somewhere in the order of about 110.

MR. HELM: And the static pressure that
you are getting at this Maile Place, what's
the --

MR. CRADDICK: That would be the static
pressure. The flowing pressure I'm not sure, it
might be a little less than that, maybe a
hundred.

MR. HELM: Okay.

CHAIRMAN RICE: Any other questions?

MR. NOBRIGA: Move to accept, Mr. Chair.

CHAIRMAN RICE: Is there a second?

MR. STARR: Second.

CHAIRMAN RICE: Mr. Starr seconds. It's

been moved and seconded to approve the request
from the director for encumbering funds for the
replacement of waterline. Discussion? All in
favor, say aye.

[Chorus of ayes.]

CHAIRMAN RICE: Opposed, say nay.

[No response.]

CHAIRMAN RICE: Motion is carried. Thank
you people for coming.

Director's Report 02-34, request approval
to enter into a license agreement for storage
area at Tank 17 between Maui Board of Water
Supply and Wailea Community Association.

Mr. Craddick?

MR. CRADDICK: Okay. Well, what
happened, this is a request from the Wailea

Community Association to get a place where they could store a trailer that they I guess use for cleanup along the road. And we felt if they fenced it off, made their own entrance, and weren't bothering the normal day-to-day work that goes on at the reservoir site, that it would possibly be okay subject to board approval of this.

One thing we've noticed in here, it says that the license is not to be transferable and then they in the definition of a licensee it

says it is transferable, so that has to be

changed and corrected before this is signed.

But that was something that was brought up by

one of the board members.

CHAIRMAN RICE: Any questions or

comments, members of the board? Yes, Mr. Starr.

MR. STARR: Move to approve.

MR. NOBRIGA: Second.

CHAIRMAN RICE: Subject to final review

by Corp Counsel and the Chair?

MR. STARR: Yes.

MR. NOBRIGA: Yes.

CHAIRMAN RICE: Any other comments? The Chair just has one other comment. The comment that Mr. Craddick brought up was the Chair's comment and in the insurance section under the covenants, I think we should -- Mr. Kushi, is this standard, this Exhibit B standard reservations, covenants, terms and conditions, is that a standard document?

MR. KUSHI: Yes.

CHAIRMAN RICE: My request would be that

in the future that we include one million each
occurrence and two million aggregate in our
insurance so we have the two million ag in
there.

MR. CRADDICK: That's what this insurance
is for.

CHAIRMAN RICE: I know. And the
insurance certificate provided by the potential
lessee does provide for that. But I was just
thinking one and two is probably a minimum

anymore.

That being said, any other comments or questions? All in favor, signify by saying aye.

[Chorus of ayes.]

CHAIRMAN RICE: Opposed, say nay.

[No response.]

CHAIRMAN RICE: Motion is carried.

Director's Report 02-35, request to add \$5,000 to professional services budget for matching funds to the water resource people and USGS monitoring.

MR. CRADDICK: On this item here, the board approved \$30,000 last year which ended up lapsing. And rather than make two contracts this year, we felt that it would be simpler just to amend the professional services budget from \$50,000 to \$55,000 and then go ahead and approve this. This is for the stream flow or stream flow monitoring with USGS and the State Water Commission.

CHAIRMAN RICE: Okay. Any questions?

Comments? Directors? Yes, Mr. Starr.

MR. STARR: As I understand it, this is part of a larger USGS program; is that correct?

MR. CRADDICK: It is a multiyear program, yes, that's correct.

MR. STARR: But this is a program that USGS is doing with the Water Commission and with some federal matching funds, is that correct, or is this a separate program?

MR. CRADDICK: When you say matching federal funds, the USGS funds are federal funds and they are providing a one-third match, I

believe. It's one-third us, one-third the Water

Commission, one-third USGS.

MR. STARR: Okay.

CHAIRMAN RICE: Any other questions?

What's your pleasure?

MR. STARR: Move to approve.

MR. NOBRIGA: Second.

CHAIRMAN RICE: Moved and seconded to

approve the request to add \$5,000 to

professional services budget. Any other

discussion? All in favor, say aye.

[Chorus of ayes.]

CHAIRMAN RICE: Opposed, say nay.

[No response.]

CHAIRMAN RICE: Motion is carried. Thank

you. Mr. Craddick?

MR. CRADDICK: This isn't just approving

\$5,000 in the budget, but also approving the

contract.

CHAIRMAN RICE: To approve the \$55,000

and \$5,000.

MR. CRADDICK: Right. To approve the

Memorandum of Agreement with the Water

Commission and the USGS.

CHAIRMAN RICE: Okay.

MR. STARR: I just have one question.

This agreement, who prepared this agreement?

MR. CRADDICK: The State Water

Commission.

MR. STARR: Okay.

CHAIRMAN RICE: Okay. Any clarification

on that? The motion was to approve all of

those. Everybody is -- okay.

MR. CRADDICK: Thank you.

CHAIRMAN RICE: Okay. Director's Report

02-36, request to encumber funds for Hana Mill

Road waterline replacement. Mr. Craddick?

MR. CRADDICK: This is again a small

pipeline project from a tank in Hana town so

that we can feed up to it. Currently there is

only one line going into the tank and we want an

in and out line. And we're going to replace the

galvanized line with 6-inch polyethylene. It is

a slightly lower pressure. I suppose the price wouldn't be that much different if we put in ductile iron if the board saw fit. It's just that we have the 6-inch polyethylene. But I don't believe it would be more than two or three thousand dollars increase to put in ductile iron pipe, just take a little longer to get the material.

CHAIRMAN RICE: Mr. Starr?

MR. STARR: This is the second time in

recent memory that I've seen us do a pipeline replacement in Hana using the polyethylene and we're removing in other places. And I kind of resent the fact that it seems that we put in the junk stuff in Hana and Molokai and other outlying areas. I would like to see us switch to ductile iron and do it right because we know the polyethylene is causing problems throughout our system and we're actually removing the same type of pipe in other areas. So I'm willing to add a few thousand dollars to it and do it

right.

CHAIRMAN RICE: Any other comments?

MR. HELM: Just to add to that. You

know, in some situations it makes sense to

utilize the polyethylene, but you're going to do

a subsurface bury of the pipe anyway, right? I

would think it more practical to go ahead and

put the ductile iron. Going to dig a trench.

CHAIRMAN NAKAMURA: And what size would

that be?

MR. CRADDICK: It's the same size pipe.

CHAIRMAN RICE: Six-inch ductile iron.

MR. CRADDICK: Yeah, same size pipe.

CHAIRMAN NAKAMURA: And it would be how
much more?

MR. CRADDICK: The price of the pipe is
probably about a dollar a foot more and it's
about \$2,000. Now, other fittings and stuff
that we have to get may cost a little more, so
maybe \$5,000 additional added on to this.

CHAIRMAN RICE: So approval not to exceed
\$25,000. Is that acceptable?

MR. HELM: Yes.

MR. STARR: I make a motion to approve
with the change that ductile iron be utilized at
a price not to exceed \$25,000.

MR. NOBRIGA: Second.

CHAIRMAN RICE: Moved and seconded to
approve request as amended. Any comments,
questions? Mr. Hiranaga.

MR. HIRANAGA: I just wanted to get a
better understanding of the decision-making

process between the two.

MR. CRADDICK: This is just a project that came up via our monthly supervisors meeting from the Hana district supervisor.

MR. HIRANAGA: This is for the determination of which material to use for the pipe replacement. How do you determine which material to use?

MR. CRADDICK: When we do these things, we usually look and see what we have on inventory and we had this 6-inch polyethylene

pipe so we could do it fairly quickly. Waiting for the ductile iron pipe, we'll have to wait a few months to get that. But probably still a good idea to do that.

MR. KOGASAKA: This is a low pressure area, too.

MR. CRADDICK: Yeah, I think that was part of the reason we felt it was okay to use the [inaudible] because it is low pressure.

MR. KOGASAKA: And on the long term we're also going to be running the line along the

highway, Hana Highway. This is an immediate fix we need right now because of the galvanized line breaking frequently and [inaudible] up. On the long term, we have a project that will run waterline from Hamoa to Mill Street along Hana Highway and that will be the permanent fix for this situation over here. But right now we need to have the tank in service until we get that in line.

MR. HIRANAGA: And when do you plan to

replace the pipeline on Hana Highway? When is

it projected or scheduled?

MR. CRADDICK: It's designed now, so we would expect it in next year's budget for construction.

MR. HIRANAGA: I'm not an expert on civil engineering and pipe, but if they feel that this is an adequate fix as an interim fix because it's going to be replaced in a year or two, I don't necessarily agree with spending \$5,000 more. Maybe they need to elaborate on why their

determination of material was made. With
additional information, we may want to
reconsider our decision. Five thousand dollars,
that's a lot of money to me.

CHAIRMAN RICE: Adolph?

MR. HELM: I guess a follow-up to that is
basically my concern would be would that
pipeline be totally abandoned or is it still
going to be currently used in the future? So I
guess that is the question back to you guys.

MR. CRADDICK: It depends on whether the

Hana water system ever is incorporated into our water system. If it were incorporated into our water system, it would continue in use. If not, with this other pipeline improvement, all of these tanks will not be necessary. And I think that's Herb's point; when that line is put in, that whole system possibly could be eliminated. But then we still -- we don't have any hydrants up there going up that Mill Road, so there is no hydrants or anything. And we have no services up there, up Mill Road.

MR. KOGASAKA: I'm not sure.

MR. CRADDICK: That's the Hana Ranch commercial area, so we're expecting that that area is probably served by the Hana Ranch system. So again, it requires some speculation on whether the Hana Ranch system is ever integrated into ours. If it is, this is a useful and long-term improvement. If not, then there is a chance that it could be abandoned.

CHAIRMAN RICE: Mr. Starr?

MR. STARR: I think we should do it right

the first time; otherwise we'll be here in a couple of years replacing the polyethylene with ductile iron at that time. Let's do it right for \$5,000 or less.

CHAIRMAN RICE: I kind of feel the same way. I guess the staff testified as to the unreliability of the polyethylene in the previous issue and, you know, it wasn't made clear that this was simply a temporary fix to be abandoned and now we're not so sure if that's

really the case, so we're really weighing additional \$5,000 maybe, that's an upset, versus throwing away twenty if the polyethylene becomes no good later. So I think we'll go ahead and do it the right way would be my preference also.

MR. CRADDICK: Herb is bringing something up that because we had the 6-inch ductile iron pipe and it's not on our inventory, it's not really costing us much of anything, so if we go to ductile iron that will be a full cost item of about somewhere between 8 and 12 dollars a foot

for 2,000 feet, so that actually is about a
\$20,000 increase in the price. So go to
\$40,000. Sorry, I didn't realize it --

CHAIRMAN NAKAMURA: If we didn't have
this discussion, we would have been --

MR. CRADDICK: Well, that's, you know, I
mean, we don't just bring these up to you
cavalierly. We look at it and look at what
we've got at the time we need to do it and the
pipe we recommended was what we felt appropriate
for the work being considered. And it's not

because it's Hana, doing some junk in Hana. It has nothing to do with whether this was in town or anywhere, we would have done the same thing under the same situation.

MR. STARR: Mr. Chair?

CHAIRMAN RICE: Mr. Starr.

MR. STARR: This is going right through the commercial area of Hana. And if he's saying that if we're going right through the commercial area of Wailuku, he would be installing polyethylene, well, I would be saying that's bad

judgment on his part in that case and I feel
it's bad judgment to install polyethylene which
has been breaking down on us on a regular basis,
through the middle of Hana. So you know, if
we're going to do a job, let's do it right, you
know. Let's not remove the polyethylene in one
area and replace with ductile iron, and then
install new polyethylene in another place
because we have it on hand, you know. Just --
it's wrong. If we need to defer the item while

they take it out and figure out what the pipe costs because obviously they have different opinions today, that's fine, but let's do it right. Let's not lay bad pipe in the ground.

MR. CRADDICK: I don't know if the board understands the whole system, the tank, the pipeline, everything could be abandoned when this 12-inch line comes in. So this putting in a \$40,000 plus improvement that may have a life span of about two years --

CHAIRMAN RICE: Well, but wouldn't that

be relevant information to put in the report?

Ginnie.

MS. PARSONS: I want to get a

clarification because we do have the

polyethylene pipe in various areas all through

Wailuku, Kahului, Maui County, correct?

MR. CRADDICK: Yes.

MS. PARSONS: It's where it's a high

pressure issue that it breaks down. Is that

what I understood?

MR. CRADDICK: Yes.

MS. PARSONS: So this is not really a
high pressure system area, so to speak.

MR. CRADDICK: Yes.

MS. PARSONS: And the other side of it is
this may be a two-year pipeline because we may
have a 12-inch coming through.

MR. CRADDICK: Yes.

MS. PARSONS: Can we defer this and you
come back to us with some pricing and maybe we
can discuss it? Because I know we have some
other issues along with integration.

MR. CRADDICK: That would be all right.

MR. HIRANAGA: I agree with Ginnie. I

think maybe the conclusion is correct, but the analysis needs to be improved in order to assist us in this decision-making. I don't believe in throwing money or additional money at something if it's not justified. The decision by the director needs to be more detailed and clearer so we understand what we're deciding.

CHAIRMAN RICE: Okay. We have a motion

and a second. Are we going to withdraw that

motion and second?

MR. NOBRIGA: Move to table the motion on

the floor.

MR. STARR: Second.

CHAIRMAN RICE: Moved and seconded to

table the motion on the floor. Any discussion?

All in favor, say aye.

[Chorus of ayes.]

CHAIRMAN RICE: Opposed, say nay.

[No response.]

CHAIRMAN RICE: Motion is carried. Okay.

So that motion is tabled and we'll have to

[inaudible.]

Okay. We're moving into Old Business.

The first item is Director's Report 02-32,

request to amend the rules and regulations of

the Department of Water Supply to comply with

the 2002 water system standards. We have Hugh

Starr who has provided written testimony,

members, you have that in front of you, and has

requested to give oral testimony also.

Mr. Starr.

MR. STARR: Thank you, Chairman Rice,

members of the board. My name is Hugh Starr and

I hope you'll bear with me if I could just read

this testimony and make a couple of comments

afterwards.

Since the Board of Water Supply met last

on August 22, 2002, I've had an opportunity to

review of Department of Water Supply's request

to amend rules and regulations of the department

to comply with the 2002 water system standards.

This request was transmitted by the department to the board on the day of the last meeting.

If department rules were to be amended to incorporate these new water standards as written, there could be significant negative impacts on many water service applicants on the upcountry water service list. Even if meters become available in the near future, many applicants will simply not be able to meet new fire protection requirements proposed in these

water standards. For this reason, I respectfully request your assurance that before the board takes action on this department request, adequate notice and explanation of these water standards will be provided to the upcountry communities that have been waiting so long and so patiently for service.

It's my understanding that these water standards have not yet been adopted by some of the other counties, nor has the Maui subdivision engineering standards committee approved them.

So it appears that we have some time to consider some not-so-obvious implications.

Time and time again, the board has been witness to heart-wrenching testimony from small landowners, not developers, who are often simply trying to assure an orderly succession of ownership from themselves to their children.

Small family subdivision requests can already require near impossible financial sums to meet requirements for fire protection.

Whose responsibility should it rightly be

to provide adequate county water distribution systems and fire protection? Can we draw a distinction between developments and small family subdivisions, or is the current one-size-fits-all standard fair? Is there a kind of alternative assessment system that allows small family subdivisions to pay their fair pro rata share of distribution system improvements, like Public Works offers? And I've attached to my testimony a standard form from Land Use and Codes that allows for deferral

of improvements for three lots or less in the way of subdivisions and gives you an idea of the mechanics of how they have approached this.

Could perhaps the Water System

Development fees provide for upgrades to distribution as well as to source, transmission, and storage? And what about modern residential sprinklering and on-site water storage in our agricultural areas? Are they capable of providing adequate interim fire protection while

shielding the department from liability?

We've all been living with and tolerating the inequities of the present system for a long time, for too long. The proposed new water standards might make this difficult situation even worse in many cases with the unintended consequence of forcing many of our long-time residents of moderate means to literally part with their most valued position, their family lands.

In summary, I'm requesting that your

board pause to take a studied look of the rules changes being requested as a result of the proposed new water system standards; in addition, that you consider visiting the entire notion of agricultural fire protection. I would like to offer up any assistance I can provide to the board and the department in this effort and I'm confident we can find others willing to develop some creative and equitable alternatives for your consideration, alternatives that can provide for fairness while also assuring for our

health and safety. Thank you for your

consideration of these comments and thanks to

all of you for your hard work on our behalf.

And I just wanted to make a couple of

comments. As you may know, what's going to

happen when the department starts issuing water

meters is that people are going to come in and

request water service and are going to be told

that they are going to have to extend the

distribution line to their property in order to

get the water meter.

Now, this hasn't been the policy in the distant past, although in recent past it's as I understand it it has been the policy of the department. With adoption of these new water system standards in agricultural areas, it's going to become even more having rigorous because now standpipes won't be permitted, you'll have to have fire hydrants, you'll have to have larger size distribution lines. So this is a situation that we've been living with for

years and years and years and I personally have
put in probably four or five county water mains
upcountry in my career without complaint because
they were associated with developments.

But many, many people who simply want
water service are going to hit the stone wall
when they come to get them because -- and I
think there is an interesting article that Harry
Eagar wrote on the 6th, last Friday, quoting the
director of the department on a couple of
interesting things. And I know how newspapers

misquote people, but there is one sort of
stand-out comment that I might just paraphrase
and it may not be accurate but it says, "And
Craddick estimates that the typical person on
the list is looking at an expenditure of \$50,000
to \$150,000 to bring distribution lines up to
standard."

Now, the Internet is a beautiful thing, a
beautiful tool, and I've spent a little bit of
time looking at Mendocino County, New Brunswick,
Kauai, everywhere, and it's amazing how people

do things differently. There are different ways to skin this cat besides just waiting for the first guy to come walking through the door and say okay, you need water service, you extend the distribution line. There are many ways to fix this problem and it's only going to get worse for two reasons: One, because people have this false expectation of getting water service now and when they realize they're not going to be able to get that water service it's going to be a hornet's nest. And I'm thinking a lot about

you all having to deal with this because these people will end up at your doorstep. And secondly, it's always struck me as being an inequitable way of dealing with the issue of distribution. It seems like we could figure out a way to make everybody pay their fair share and obligate them to do this without requiring the first guy that comes through the door to pay for everybody else.

So without belaboring the point, that's

the gist of my comments. And I'm serious about

if there is any way that I can help you all in

any way to research this, to present you with

some alternatives, or whatever, I'm more than

willing to because this is something that I've

personally and in my professional life have

struggled with this issue for many years now and

I think this proposal before you is only going

to exacerbate this situation even more. So

thank you very much.

CHAIRMAN RICE: Any questions for

Mr. Starr? Okay. Thank you, Mr. Starr. Hugh

Starr.

MR. STARR: And although I really appreciate cousin Hugh's comments, I do want to state that we're not in any way related. I do appreciate his wisdom on this and it is an area that comes back to us over and over and over again and I do think we need to bring in some community involvement and some new thinking.

I know I once had a long discussion with

Brian Miskae on this matter and he really opened

my mind to a lot of points about it. When you look at what the impacts on building a community are on the long term because, you know, there are times when as a member of this board I've been tempted to say let's just get out of the fire protection demand business and let's just do away with it in that area. And after looking at it, I don't think it's right because I think through the process of development, what happens is as areas become rural areas and then they become urban areas, as they develop, and if you

allow people to build their housing in an ag
area without the fire protection, then when
there becomes a certain amount of houses in
there it kind of becomes de facto rural or urban
after a certain amount of time. We've seen
Makawao and Pukalani and a lot of other
communities just growing like that. I don't
know if that's really what you want. You want
intentional communities to be built. But this
is sort of what we get.

So I think we do need to keep improving the system as houses come on line. But, you know, there is two issues: One is do we need to improve the system as an area develops and fills in, and I think we do and we need to have proper fire protection including hydrants and standpipes and so on. But Mr. Starr brought up the issue of can we find a more creative way of paying for it and I think we can.

I don't know what mechanism the Chair would like to suggest, but I think there should

be a way that we can have a give and take with
the community and possibly with other people in
government and find a better way, perhaps adding
another component to the meter fee as Mr. Starr
suggested, basically a distribution fee along
with the source, transmission, and storage,
perhaps that would be one way. And/or, you
know, maybe something else. But I do think we
should look at it because I think that we want
to implement the new standard, but maybe we
could find a more creative way.

Because right now it's kind of almost
like a roll of the dice over whether someone --
any particular person gets hit with it or not.
I've heard of people who the guy next to them
used up all the availability in that system and
all of a sudden they got hit with the upgrade.
I don't really think that is fair.

CHAIRMAN RICE: Ginnie?

MS. PARSONS: I concur with Mr. Starr.

I'm wondering if the hold harmless clause
wouldn't be the -- they used to use years ago

with the planning department when you were in these small subdivisions, especially in this fire flow issue, it bothers me. And as I've said before, it's been previous administrations have lacked taking the step to help our fire flow issue. And it's not until this year that we've put the money into the budget to start refurbishing the fire flow. And it's a significant issue.

And it may be that we need to talk to

homeowners about putting sprinkler systems into their homes because one of the cases that was brought up on Olinda, by the time the fire department got there anyway it wouldn't make any difference. I mean, your house would be gone.

So maybe there are some alternatives we can give in the areas where we do have fire flow issues and maybe we can give people an incentive to put in the sprinkler.

And I had a question. You know that 31

units, David, that 31 spigots, does that include

hot and cold water, is that considering two
units, like a kitchen sink, or is that just one?

MR. CRADDICK: The sink or lavatory has a
number of fixture units assigned to it --

MS. PARSONS: Is it two --

MR. CRADDICK: I think it's presumed they
all have hot and cold although some just have
the cold.

MS. PARSONS: But is it considered just
one unit?

MR. CRADDICK: I'm not sure of the exact

number of fixture units for a sink. Is it one?

1.6, I hear. Carl is saying 1.6.

MS. PARSONS: 1.6. Okay. But maybe we need to reevaluate that for a sprinkler system issue. And if somebody puts a sprinkler system in, that doesn't become another, you know, unit in there.

MR. CRADDICK: Oh, that would severely increase the size of the meter if you were going to sprinkle the house.

MS. PARSONS: Exactly. So maybe we need

to take a look at that, too.

CHAIRMAN RICE: Mr. Nobriga?

MR. NOBRIGA: I humbly request for a

recess. When we get back from the recess, I

would like to get an explanation of what the

standard is.

CHAIRMAN RICE: No objection. One

minute.

(Brief recess.)

CHAIRMAN RICE: Back on the record.

Still on Director's Report 02-32, request to
amend the rules. And I don't see Mr. Kushi.

Mr. Nobriga?

MR. NOBRIGA: Could I get clarification
on the standards, on what was changed? I know
our current rules do touch on some points of the
standards, but in that case we do have some
knowledge of what the standards are and how they
apply to different sections. In this case,
we're kind of being asked to just supply an
amendment just saying that there are standards

and they will be applied forthwith throughout
the whole document. So.

CHAIRMAN RICE: Mr. Craddick?

MR. CRADDICK: Could I ask our standards
review person here, Larry Winters, to respond to
that because I don't know if I know myself all
the issues.

CHAIRMAN RICE: Larry, come up and use
the mike, please.

MR. WINTERS: I'm not sure that I totally
understand the question, but Mr. Nobriga is

correct that the current rules do refer to the
department standards in many instances, but the
rules -- current rules go further and stipulate
standards information inside the rules instead
of referring to the standards. So this is an
attempt to divide the rules deal and rules
issues and the standards deal with standards
issues, which is materials and construction
methods. I don't know if that answers your
question.

MR. NOBRIGA: Who -- what -- is the

information contained in the standards
accessible to everyone that would need to know
what's in there?

MR. WINTERS: The information in the
standards is public information. It is
available for purchase to any individual at the
Department of Water Supply office in two
formats, it's hard copy and CD-ROM. And I also
understand that it is on Honolulu's website.

MR. NOBRIGA: Thanks, Larry.

CHAIRMAN RICE: Any other questions

regarding the standards while we have Larry?

Kent.

MR. HIRANAGA: This may not apply to

Larry, but I just wanted to get a better

understanding why fire hydrants are being

required in ag-zoned lands. And also, is the

spacing the same as urban distances between

hydrants, is it the same?

MR. WINTERS: The primary purpose for

changing fire protection for ag-zoned areas

relates to the ISO standards, the guidelines.

And the rules refer to those for requiring fire

protection. The minimum requirement for any

fire protection standard or amount is 500

gallons per minute ISO guidelines. So

automatically our standpipes don't qualify. So

further, so we changed to fire hydrants for ag

zones, but we left the spacing at 500 feet

instead of changing to 350 feet, which is urban

requirement.

CHAIRMAN RICE: Mr. Craddick?

MR. CRADDICK: Larry was talking to you about ISO, which is insurance services offices. But in Hawaii, they have a separate insurance rating bureau that rates the fire systems. And in their rating, you have a rating anywhere from 1 to 9. Basically 9 means you can't get any insurance; 1 is the best. There is only I think two systems in the United States that have a 1. Most of ours are around 6.

The minimum size line they allow is a normal 4.5-inch hydrant connected to a 6-inch

line. That's the Hawaii rating bureau.

CHAIRMAN RICE: Mr. Starr?

MR. STARR: My belief is that we should

approve these standards, you know, but at the

same time we should also look for a mechanism

where we can find a different way of financing

system improvements rather than leaving it all

up to the guy after the adequacy is

over-utilized.

So I would be willing to move on this

today, but I would like to hear what other board members feel. I do think that we should be building a quality system and I think that the standards are part of the process of ensuring that the system will be a quality system that works properly now and into the future.

CHAIRMAN RICE: Mr. Craddick,

procedurally then, as it relates to some of the comments we've heard from the public, this document that you're asking for approval sets the standards. There is a separate rule that

says that the individual has to do the work,
upgrade their lines; is that not correct?

MR. CRADDICK: That's correct, yes.

CHAIRMAN RICE: So by improving these --
well, procedurally I'm not sure we're approving
them. We're sending them to public hearing. I
have a couple procedural questions for counsel
in a second.

But the way to deal with some of the
concerns that were expressed by Mr. Starr and
other public members would be through that rule,

would it not?

MR. CRADDICK: That would be my suggestion, yes. It's a financing issue, not a standards issue.

CHAIRMAN RICE: So then we're talking about another rule to be taken in public hearing.

Mr. Kushi, in Mr. Craddick's letter dated August 22nd, that first paragraph, the last sentence, "They shall become effective for Maui County upon approval of the County of Maui

Subdivision Engineering Standards Committee."

Do you know -- so that says that -- I'm trying

to understand what that sentence means. Does

that mean that these new rules and regulations

are effective based on a committee's approval?

Do you know?

MR. KUSHI: Mr. Chair, yes and no. In

terms of -- any rule dealing with engineering

standards -- subdivision standards needs to go

through this separate stand-alone committee,

subdivision engineering standards committee for review, comment, and approval. However, because these standards become a rule of the department, I believe his second paragraph at the end, last sentence at the end of the second paragraph is also correct that it has to go to counsel again. So it's two-step process.

CHAIRMAN RICE: That was my second question. For us to merge the standards with our rules, we needed to propose a rule and take it to public hearing and get it approved just

like we have done the other ones.

But the reason I ask the question is

there seemed to be a conflict with that

statement that they become effective for county.

And now if they were effective for the County of

Maui upon approval by a standards committee, how

would that -- how does that affect -- seems

contrary to our situation.

MR. KUSHI: It's just by the code itself

that any kind of subdivision standards needs to

go through this committee.

CHAIRMAN RICE: That I can understand.

But then wouldn't that committee make a recommendation then to the council or some other body and they're finally approved.

MR. KUSHI: It possibly could. But the bottom line is the end result is the council needs to approve these things because it's part of the rule.

CHAIRMAN RICE: In our case.

MR. KUSHI: Right. And the second comment I have is what you're doing is you're

amending portions of your existing rules. Not

only that, you're incorporating a separate

stand-alone document, which I'm not sure if

everybody knows what it's about. Your

stand-alone document is water system standards.

I'm assuming it's a separate stand-alone code, a

book of some sort.

CHAIRMAN RICE: Is that correct, Larry or

Mr. Craddick? That's it. Larry?

MR. WINTERS: Yes, this is --

CHAIRMAN RICE: So our rules now -- by

adopting these, our rules would say that that's

all incorporated into our rules.

MR. KUSHI: Right. But that needs to go

to public hearing, too.

CHAIRMAN RICE: Right. I guess -- see,

that's my question. I can understand, I know

our rules about changing our rules and going to

public hearing. How does the county not have to

go through process, the standards engineering

committee is all of a sudden binding the county?

That's the confusing part. It's a little bit
irrelevant to the --

MR. KUSHI: I would say this. You
shouldn't bind this board one way or the other.
We need to go through the [inaudible.] Not only
does it cover the water department, it covers
Public Works, LUCA -- basically Public Works.

CHAIRMAN RICE: So as not to confuse the
public, members of the board, if we were to
proceed on these rules, in effect we would be
voting to take them to public hearing, I think

we ought to make that motion subject to a review of the other rules so that the public knows that we're going to deal with that upgrading section or financing section at the same time so we don't get people coming in and saying, you know, testifying against it because we haven't dealt with the main issue. You know what I'm saying? Does that make sense? Mr. Starr.

MR. STARR: I'm still confused about two things. One is the base document that we're amending. I thought counsel had implied that

that had never gone through the process and been
accepted and approved through the county council
and the mayor. Is that -- did I get that right,
Ed?

MR. KUSHI: Repeat your question, please.

MR. STARR: There is a book that Larry
was holding up, okay, Water System Standards. I
assume that the Water System Standards at some
-- in its current form at some point had been
approved by -- sent out as a rule by the board

and been approved by the mayor and council. Is

that a fair assumption to make?

MR. KUSHI: I don't know. The department
should answer that. Not to my knowledge.

MR. CRADDICK: It was 1985 the department
was under the mayor then and I'm not sure what
the process was.

MR. STARR: The question -- let me phrase
my question a different way. Can we assume that
that is a legal document that we're amending?

CHAIRMAN RICE: Mr. Starr, I thought, and

maybe just to help them answer the question, I thought that we were -- that this was a new document, that we would be adding to our rules incorporating it. It's not been to public hearing. If some form of it has previously been approved, I didn't hear that from either one of these gentlemen.

MR. STARR: Are we talking about this book or this new one? We have standards. I mean, those standards have been since, you know, I'm sure that so long as there has been a water

department, there has been standards.

MR. CRADDICK: No, actually this is since 1985. Okay. Herb is saying there was another one prior to that, but I'm not -- I don't believe it was a statewide document at that time. Each individual county handled their own. And now from '85 on, we've tried to incorporate a statewide document so that people don't have to go -- deal with different standards from one county to another, although there is some differences in here. But it will say which

ones are different from each question.

MR. STARR: I'm not getting my question answered. I would like Corp Counsel to answer it, not David. And if we need to get it -- if we need to look into it before we get an answer, that's okay, but I want to know if we have a legally binding set of existing standards. And if so, I want to see them in physical form.

And, you know, at that point we can certainly amend them, but I just want to hear counsel say

that our standards are a legal document.

MR. KUSHI: Member Starr, I really don't know. Mr. Chair, I just got handed a copy of this Water System Standards by the State of Hawaii, dated 1985, and signed off by the then director [inaudible] as well as the board chair of the City and County of Honolulu and the County of Kauai and County of the Big Island.

But again, I'm looking from the technical aspect. If it is in your rules incorporated by reference, then it is in your rules. If it's

not, then apparently the department has been using these standards as an in-house document to review applications. Again, but what you're trying to do now is I guess --

CHAIRMAN RICE: So that's then. Let's

just take Mr. Starr's question, is it in our rules referenced by reference?

MR. KUSHI: I don't know.

MR. CRADDICK: Couldn't be because they were --

MR. STARR: Mr. Chair, could we defer

this and come back to it knowing that what we're
looking to send as a rule to amend is legal?
Because I think until we have that basis, I'm
reluctant to go and try to amend it.

MR. NOBRIGA: I second the motion.

CHAIRMAN RICE: It's been moved and
seconded to defer, pending a report on whether
-- let's get this straight -- so whether the
standards are part of our -- currently part of
our rules. Is that the correct --

MR. NOBRIGA: Mr. Chairman, based on the

comment from the director's letter that they shall become effective, meaning future tense, I believe that the 2002 water system standards have not been formerly adopted.

MR. CRADDICK: That's correct.

CHAIRMAN RICE: Ginnie.

MS. PARSONS: I would like to have some time frame for the report to be back to us, please.

MR. NOBRIGA: Next month.

CHAIRMAN RICE: Thirty days?

MS. PARSONS: Last meeting next month?

MR. NOBRIGA: First meeting next month.

MS. PARSONS: First meeting? October?

CHAIRMAN RICE: First meeting in October?

MR. STARR: How about "in October"?

CHAIRMAN RICE: Okay, how about "in

October." Okay. All agree? Any discussion of

the motion? All in favor, say aye.

[Chorus of ayes.]

CHAIRMAN RICE: Opposed, say nay.

[No response.]

CHAIRMAN RICE: Motion is carried. Okay.

Defer it until we get more information. Okay,

good.

Information on customer service training.

That's in your book and at this point that was

provided by Ms. Parsons. Ginnie, would you like

to have the floor? Starts on page 80.

MS. PARSONS: It was brought to our

attention several months ago that we needed to

look into some customer service training for our

department. And I contacted the office of the
mayor to find out who the county has been using
for customer service purposes. And I was given
the name of Dennis Higashiguchi from SMS
Training Inc. that they have used very
successfully in most of their departments, and
he's also doing the Board of Water Supply in
Oahu.

He's proposed a training program for our
-- we had at the time 74 employees that I gave
him, plus board members could also attend. And

the cost was estimated at about \$10,000 for the budget.

I think it's very important that we have this customer service training from the top to the bottom of our staff. I think that we have a lot of public interaction and even in it's a refresher course for some of our employees and board members, I think it's very important and I would like to see us pass a budget for it.

CHAIRMAN RICE: Any comments?

Mr. Craddick?

MR. CRADDICK: No comments, I don't

think.

CHAIRMAN RICE: Mr. Starr?

MR. STARR: Do we have an existing

program?

MR. CRADDICK: The county has customer

service training that they have gone to, but I

can't sit here and tell you who all has gone to

it.

MR. STARR: In other words, some of our

people might have gone through this, but it's
not been consistent; is that correct?

MR. CRADDICK: That's correct. And this
particular training class deals with internal
customers as well as external customers, not
just outside customers.

MR. STARR: I think it's a good idea. I
think all of our people should go through this.
How many days will this take them away from
their duties? That's my concern.

MR. CRADDICK: It says 14 half-day

classes. So seven days is what I see in there.

MR. STARR: I have a feeling that they're not talking about each person going through 14 sessions. I think they're talking about --

CHAIRMAN RICE: Having 14 classes.

MR. STARR: -- having 14 separate classes. They're not going to have 140 sit there for 14 days.

CHAIRMAN RICE: Yes, Mr. Victorino.

MR. VICTORINO: Mr. Craddick, if we were to put this on as far as bringing the monies to

run this, would you make certain that all your people, whenever and wherever possible, be in attendance? Customer training is so important because we are a customer business and the Department of Water Supply in the past has had some negative feedback as far as their service is concerned. So would you be in favor of something of this nature?

MR. CRADDICK: Yes, I would be.

MR. VICTORINO: Mr. Chair, is it

appropriate to make it a motion to approve -- to
look to find the -- or put the \$10,000 in our
budget, is it possible for this year?

CHAIRMAN RICE: Certainly. We can make a
motion to amend the budget to provide for this.

MR. VICTORINO: So I will do that, I will
make a motion to take \$10,000 and put that into
customer training to commence in the year
2002-2003.

MR. NOBRIGA: Second.

CHAIRMAN RICE: It's been moved and

seconded. Discussion? Mr. Starr.

MR. STARR: First of all, from looking at this, it looks like each staff member would have two half-day -- would participate in two half-day sessions. And that sounds reasonable. I would like to ask fiscal where the funding would come from.

CHAIRMAN RICE: Holly?

MR. CRADDICK: The working capital emergency fund at the end of the year would have it's estimated right now \$2.95 million, so that

would be \$2.94 million with this action.

MR. STARR: What?

MR. CRADDICK: It would reduce your

working capital by \$10,000, and so take it from

\$2.95 million to \$2.94 million.

MR. STARR: Working capital and

emergency? That doesn't really sound like the

proper place, to my ears.

MR. CRADDICK: What do you mean, the

right place? That's where your unspent money --

CHAIRMAN RICE: When we have amended the

budget in the past, which we have -- we have
done on several occasions, we amend the budget,
right? We don't take the money from another
account, right? Holly.

HOLLY: If you look at your budgets, you
would take it from there and put it into your
professional services for customer service. Or
you could put it into training, whichever -- we
would add it to whichever line item. But it
would be taken from the -- like the working

capital fund, if you look at your budget, it's
on that line. So we would put it into
professional services.

MR. STARR: Professional services is more
what I wanted to hear.

MR. VICTORINO: Am I correct in saying
it's a matter of transferring funds from that to
professional services and there we could use it
for that purpose? Okay, that's fine.

CHAIRMAN RICE: Mr. Hiranaga?

MR. HIRANAGA: Is there a procurement

process to identify the appropriate consultants?

Question one. And also, I would like to see a

list of references for this consultant before we

make a decision.

MR. CRADDICK: See what?

CHAIRMAN RICE: The procurement process

requirements, Mr. Craddick.

MR. CRADDICK: They would have to be

followed.

CHAIRMAN RICE: They would be.

MR. CRADDICK: Yes, they would be.

CHAIRMAN RICE: Okay. Mr. Nobriga?

MR. NOBRIGA: Same question as

Mr. Hiranaga. Asked and answered.

CHAIRMAN RICE: So then the motion would
be to proceed with this training subject to
procurement process, right?

MR. VICTORINO: You want me to amend the
motion?

CHAIRMAN RICE: I'm just listening to all
the comments here.

MR. VICTORINO: If that's the way the

motion must read, then I amend my motion to
include all procurement requirements being met.

MR. NOBRIGA: I second the amendment.

CHAIRMAN RICE: Mr. Kushi.

MR. KUSHI: Mr. Chair, I would suggest
and advise that you defer this matter and bring
it back the next time. The only thing that's on
the agenda is information on customer service
training. There is no information to those who
may be watching about budget amendments,

allocations, procurement process. I think maybe
you would be well-advised to defer this matter,
have the department or a board member bring you
back formally and notice it on the agenda.

CHAIRMAN RICE: You mean for approval, so
the agenda says approval.

MR. KUSHI: Consideration.

CHAIRMAN RICE: Consideration.

Ms. Parsons?

MS. PARSONS: Since we need to go through
procurement, can we ask Mr. Craddick to issue a

procurement, call for a procurement?

MR. CRADDICK: I don't want to speak for Ed Kushi, but the item on the agenda is information on customer service training, no other action. So I think his point is trying to get these other actions going without properly noticing is what he's having a problem with.

MS. PARSONS: So what I'm asking you, since we've discussed this now and we know we have to go through procurement.

MR. CRADDICK: I don't think you need to

make a motion. The motion get this back on the agenda, amend the budget and get some information about the procurement is all we need. I can tell from the discussion it sounds like the board wants to move ahead, so we can do whatever preliminary work we need to do in the time being.

CHAIRMAN RICE: A motion to defer. You withdraw your motion or amendment? You withdraw your second?

MR. NOBRIGA: Yeah.

MR. VICTORINO: Move to defer the
matter.

MR. STARR: Second.

CHAIRMAN RICE: Moved and seconded to
defer. All in favor, say aye.

[Chorus of ayes.]

CHAIRMAN RICE: Opposed say nay. I

[No response.]

CHAIRMAN RICE: Motion is carried. Thank
you.

We're moving to Other Business.

Mr. Miskae is here to do a presentation on long-range planning, the County of Maui. This relates to our discussion previously on Central Maui Source availability and it's for the board to note that we will be agendaing the issue of the Central Maui Source availability at a later date, soon, to include members of the USGA and Mr. Miskae again and Mr. Mink.

MR. STARR: And the planning department.

CHAIRMAN NAKAMURA: That's right,

planning was going to attend today and then they
changed their mind, they felt like they had to
review what they were going to propose.

Mr. Miskae.

MR. MISKAE: Thank you, Mr. Chairman.

I'm Brian Miskae, I'm planning program
administrator for the Department of Planning
Long-Range Division. My job is to essentially
take the charter requirement to recommend
revisions to the county's general plan each 10
years. The 10 years is up. We have a 1990

general plan. My job is to now develop a process or an initiative to amend our current general plan, which is what we've been doing.

The presentation that I have before the board this morning is one that I've taken out to the community. What it basically does is it gives you an idea or sort of an overview of the direction that we want to try and do with this general plan process.

I usually open with a question and I'll ask the board members: How many of you have

ever made a plan that you have no intentions of keeping. Anybody? Normally people intend to implement plans that they make. I think the County of Maui and all its associated boards and commissions have always been well-intentioned with their planning process. But for all intents and purposes, that planning process in many cases fails to materialize in the implementing action. We seem to look at our plans as guides when it's convenient to do so;

and when it's not convenient to do so, we just basically go ahead, barge ahead.

That's the reason why probably the Board of Water Supply, Department of Public Works, many agencies that provide services to the citizens of Maui County always seem to be behind the curve. It's just how do you keep up when you really don't know what's happening.

I made a presentation to this board when I was a board member, some of you might remember, and said that the charter requires the

Director of Public Works to I think the word is
implement community plans. How, pray tell, can
this board or the director implement nine
community plans when there is no prioritization
as to what's happening. Basically you're
playing catch-up it seems all the time.

So smart growth is another word for
things like neo-traditional town planning.
There is a number of I guess words for this, but
it's really common sense planning. So what
we're seeing or titling this is, "Smart growth,

is it the road we want to take?"

Smart growth is a number of things, but we're thinking what it really is is a change in attitudes. It's how we view open space and agricultural preservation. We talk about this all the time, but you can't legislate a farmer to farm. You can't simply take open space without due compensation. There has got to be a program as to how this is going to work. A change in attitudes.

Recreation is another change in attitude.

We've been noted by a number of visiting teams from other islands that our active play fields are second to none, but I don't know if any of you have ever visited one of our passive parks. Some of them, a lot to be desired. So these are again changes in attitudes. We want these things to happen; we can make them happen.

Another situation with recreation is that we need to start looking at pocket parks in our residential areas, places where kids and moms

and grandmas can go to play.

Housing obviously is important. What is affordable and to whom? In our subdivision code, we have a definition for affordable and it's a range between 80 percent of the median income for Maui County and 120 percent of the median income in Maui County. That means that an affordable house could be well in excess of \$300,000 and still meet the definition. I don't know how many people can afford a \$300,000 house. Again, change in attitudes.

Health is another change in attitude. We seem to be focusing our subdivisions and many other things that we do on the automobile.

Mayor Apana said once he thought this was rather interesting that -- exercise is important, but to exercise you've got to get in your car and drive to a health club to probably get on a bicycle that doesn't go anywhere.

Encouraging walking is important. The Centers for Disease Control in Atlanta commissioned a study with two or three

universities to look at the high incidence of heart disease. And what they have started looking at is that there is a direct correlation with how we design our subdivisions as to this high incidence of heart disease. It's just that you can't walk anywhere, you've got to get in your car to go places.

Youth development is obviously critical.

My granddaughter was involved in 4H, a tremendous program. We need to really talk about how we can involve our youth more. And

then finally for us gray-haired guys, the baby boomers are coming. 2011 is when the baby boomers turn 65. Are we ready? Is our elder care continuum in place?

So these are all parts of smart growth.

Maybe these are things that it's not. It's not just a well-planned subdivision, or a well-designed road system, or a park with all the things you wanted, or even a public transportation system, or even a great place to

raise a family. What smart growth is is it's really all of those things. You can't just simply single out one of those things and say this is smart growth.

For example, a subdivision. Somebody says I have a smart growth subdivision. Putting a smart growth subdivision down in the middle of chaos is not smart growth. So it's all of those things and a lot more.

It's a change in how we view things.

This is an important thing: Change doesn't just

happen, you can't just sit back and think it's

going to happen. We have to want it to happen.

Doing things the same way over and over will not

result in change, although I think that's part

of the definition for insanity. We have to make

it happen.

So smart growth is open space. The upper

left-hand corner is a part of the Wailuku

hillside which will soon become two-acre lots

called Wailuku Country Estates. Unfortunately,

the lower right-hand picture is the only passive

park area in the whole Kihei, interestingly
enough.

Agricultural preservation. Small farms
and extensive agriculture are critically
important.

Diversity. I call this slide high
tech/low tech. That's the high performance
computing center on the left, and of course our
favorite restaurant in Wailuku.

Public facilities. Smart growth.

Obviously, recreational fields. The slides on

the right show the county's initiative to start using its effluent rather than pumping it in the ground. Treat it and reuse it.

Housing. These are just two photographs of housing. The lower right is in Waikapu; the upper left is at Iao Parkside. Both of these projects cater to residents and have done very well. But again, the costs are up there. And many of us really want to try and raise our kids with a yard. So maybe multi-family is not the

answer.

Our culture is important. Smart growth is culture. The upper left-hand corner is a group of fisherman bringing in their nets from in front of a condo complex in Kihei just like they have done for years. Of course, the lower right is our kids playing together on the beach.

Safety is another part of smart growth.

The fire truck on the right-hand picture is actually the only fire truck for the entire South Maui area. Covers Makena, Wailea, Kihei.

Interestingly enough, I spent a day there when I was working in the mayor's office selling firecracker permits and I wondered what the noise -- the water running was coming from. That sucker leaks like a sieve. The water was pouring out the bottom. So these are all parts of smart growth.

Extending our services are all part of smart growth. Walkability, I talked about that. Here's two old towns that you can walk around in, mainly because they were designed before we

relied on cars.

Schools are critical. The left-hand corner -- left-hand photograph is Kamalii elementary school which was built through a private/public partnership. The entire school was built in one shot. Of course, Maui Community College is doing a lot of work, and of course the tech-ready project has been really introducing high technology into our schools.

Recreation we talked out.

Mobility. Does anyone know what the

left-hand picture is? It's Maui County's only
bikeway. It's the only one. The only bikeway.
We have lots of bike lanes. This is actually
Maui's only bikeway. It runs from Kanaha over
to Saddle Road. The airport is just on the left
side. We need a lot more of those. And of
course, your right-hand picture is MEO, which is
doing a fantastic job and now partnering with
Akina in trying to put together a full bus
system for Maui County.

Our economy -- there is room for everything. Smart growth. Innovation. The upper left-hand corner is something called a roundabout, probably heard a lot of talk about these things. This particular intersection is on Vancouver Island in Canada. It essentially is the entrance to a small town called Ladysmith and the roadway is a provincial highway. There was at least one or more fatalities at that intersection when traffic lights were there.

Since they put the roundabout in, traffic has

improved, the mobility has improved, and there hasn't been even an accident. So these things really work. We're going to try one in Kihei.

And of course the lower right-hand corner is the new service system.

Family values are smart growth.

Reservation of spiritual values are also growth.

Shoreline access is smart growth and not have to go through signs and walls. Smart growth is the preservation of the real Maui. Looking out for our kapuna is also part of smart growth.

This is a slide that I took out of a small magazine which I thought was very interesting. It kind of gives you the process that we seem to run through. And maybe I'll just read it so that those of you who can't see it. The first caricature the landowner. He says, "I can't afford to farm anymore." Then comes the developer, he says, "Hey, I have plans for your property." Then comes the planning consultant, "Do I have to appear at another public hearing?" Then comes the recent

resident, No more growth. Our schools are over crowded." Comes the county planner, "It will take at least two more years to update our master plan." The kid says, "Where will I live?" The historian/preservationist says, "We must preserve farm lands, woodlands, wetlands, fund lands, step lands, steep lands, flat lands, historic lands, scenic lands, park lands, and all other lands." Comes the elected officials, "We need economic development and affordable

housing.". And the final person says, "How about a moratorium?" You see the conflicts all the way through this thing, but that's how we live every day in Maui County.

People have to come first in our process.

And I didn't steal this from Mayor Apana's signs either. We think that it's necessary to involve people in our process. We think people have a lot to teach us, not necessarily professionals but just the average citizen.

So our strategy is to review what we

have, to recommend revisions to our general plan
after receiving public input, to prepare a
regional plan for each of our islands, and
prepare community plans for our urban villages.

And I'll talk about this as we go through.

Our inventories are socioeconomic
forecast. I asked Ellen if in fact the
department had provided to you our updated
socioeconomic forecast. She wasn't sure. So if
you don't have it, I'll make sure you do get it.

Public facility inventory which has been

completed which talks about our parks and
schools and that sort of thing. Public
infrastructure inventory which your department
is participating in as we speak. A
transportation planning model which we're going
to use to support impact fees for new
development, plus be able to try and foresee
what we're going to need in terms of roadways
related to development. A public transportation
plan which will hopefully revisit this whole
idea of a bus system.

So what is our general plan that we have now? It's based on five major themes. First one is to protect Maui's ag land and rural identity. Would you agree with that? Second one is to prepare a managed and directed growth plan, which is what we're trying to do now. Third is to protect shoreline and limit visitor growth. Fourth is to support a diversified economy that offers resident employment. And the fifth major theme is to provide for needed

resident housing.

How well have we done since 1991 with
developing programs to fulfill those things?
Done okay? Not bad? Not good? A lot of work
to do? We have a lot of work to do. These
things have been there for 10 years and we
really haven't done much about any part of this.

The regional plans then we want to talk
about are island-wide. What they will do is
they will establish growth boundaries and
population allocations. This we think will be

critically important to the Board of Water

Supply in that once the growth values are

established, population has been allocated to

those areas over a given period of time, you

will know what kind of consumption you're going

to have to plan for in a particular area.

We want to talk about agriculture and

open space preservation. But the State of

Hawaii introduced enabling legislation a few

years ago that allowed the counties to pass what

are called transfer density rights ordinances.

What this means is that if a person wants to
subdivide agricultural land for the purposes of
generating income, there is a possibility of him
rather than actually subdividing the land,
selling the density that he would have gotten
from that subdivision to a receiving area in
another area of Maui County where we can
actually handle additional density.

There is also things like purchase of
density rights. Purchase of density rights are
just simply to [inaudible] the density from

agricultural land. What this then does is it achieves agricultural and open space preservation. This goes without saying. We should be able to plan for better and more efficient transportation for our roads, buses, and bikeways through these regional plans and get a real good handle on water source, solid waste, schools, libraries, et cetera.

The villages then will be our community plan. In other words, once we've established

the urban growth boundaries, within those boundaries we will call our villages. These villages will then set out through a community plan process to preserve unique community character; defining urban landscape details such as density, walkability; urban design; and establish internal transportation corridors for major roadways and public transportation.

So we have our general plan, which is a general overall document. We will have three regional plans, one for each of our islands, to

look at the whole island, and then we will have individual community plans which will address the urban areas which will be identified in the regional plans with the urban boundaries.

So it's not easy, but we're all stakeholders so the direction is to get involved in this process, to tell decisionmakers what you think and what makes sense to you. But more importantly, to think outside the box.

Mainland ideas very seldom come to us Maui-ized or Molokai-ized or Lanai-ized. I've

been a planner since 1968. Quite a long time.

I've been on Maui for almost 20 years now. Many

of the documents that you operate from have been

borrowed from the Mainland. They don't work

real well. They're large scale, looking at all

sorts of things that we don't really experience

here. So the idea here is to develop a planning

strategy or a planning program that is

Maui-ized. Our plan then will become Maui's

smart growth plan.

So the question is what are you going to

do about it. And it's really up to us. This slide represents the state land use districts. The yellow is really the only areas that are urbanized on the island of Maui. It doesn't account for very much land, so you really wonder where the heck the traffic comes from.

So do we actually have a managed and directed growth strategy? No, we don't. It just seems to happen. Just listening to your meeting this morning really brings to my mind

that we don't have any kind of strategy because
you really don't know where things are going.

You're just trying to keep up all the time. And
it's really, really hard to do that.

So what we invite people to do then is to
call us, write to us, e-mail us. And what I
invite people to do, if none of those work, you
can probably just yell at us if you like.

So Mr. Chairman, that is our presentation
that we're taking out on the community. We're
well underway with our process now. Our

transportation planning model should be yielding
some numbers for impact fees sometime in
October. Our infrastructure inventory should be
completed with a month or so with the help of
Mr. Craddick. He's been very, very helpful for
us to do that. And we will be starting our
actual general plan process within about the
next 60 days.

So we're going to be inviting obviously
the Department of Water Supply to participate
with us in this process so that when we finally

get a document that we can take to the public,
it will be something that we can all live with
that is implementable. A lot of times we say
things that seem to appease the public, but when
it actually comes time to implement those
things, we find there is not enough money or
there is something wrong with it.

So I don't know, it's kind of like maybe
eating an elephant. You can't do it at once;
you've got to do it in small bites. Maybe we've
got to look at a whole bunch of small bites to

try and meet the demands of our citizens on

Maui. Thank you very much.

CHAIRMAN NAKAMURA: Thank you, Brian.

Questions for Brian? Ginnie?

MS. PARSONS: That's a very nice

presentation, Brian. The reason that we'd asked

for the planning department to come before the

water board was because we're concerned with the

Central Valley and the Iao Aquifer. Can you

shed any light on what development -- you

referred to a 184-lot subdivision over in

Wailuku, Country Estates or something like that.

Can you give us any kind of projection on what

you see coming out of Central Valley in the next

five years?

MR. MISKAE: Mr. Chairman, Ms. Parsons,

one of the critical factors which I raise in my

presentation is the fact that there is no

prioritization in our planning process. It's

almost you kind of have to wait to see what

comes in today to see what you're going to be

processing tomorrow.

Each application for a land use

initiative, a change in zoning, a special

management area permit, a community plan

amendment, a district boundary amendment,

anything that will be the start of a development

comes to the Board of Water Supply staff. But

this is no prioritization as to what the

expectations are as to what is going to come

next.

For example, South Maui, the Kihei-Makena

Community Plan provides for areas for urbanization. It shows you single-family, multi-family, business, project districts, all of the various land use areas that would be the initial starts on a subdivision or of population.

Maui Tomorrow, about ten years ago, did a little exercise which I thought was interesting and I kind of knew what the results were going to be. But anyway, they took each of the areas, they found out how many acres of single-family

there were in the South Maui Community Plan, how many acres of multi-family, business, industrial, project district, and applied some simple factors. For example, for single-family, maybe they applied a factor of four or five units per acre. Multi-family, maybe they applied a factor of 20 units per acre. And then multiplied population. If the entire area of South Maui were built out consistent with the community plan -- and you always find people

coming and saying all I want to do is implement the community plan -- we would have a population of over a hundred thousand people alone just in South Maui. I mean, you want to talk about impacts to your central water system? That would be a dandy, wouldn't it? Then add on the project districts of Maui Lani, of Kehalani, of what's going on the other side of Wailuku, all the lands that Brewer is trying to sell. All of these things can make a huge hole in any kind of progress that you may think you have in trying

to get a handle on supplying water for the
Centra Valley, which of course is Paia, Wailuku,
Kahului, and of course South Maui.

We received a list from the Department of
Water Supply for projects that they had looked
at in terms of applying amount of gallons that
would be needed to supply the project. I looked
at that and I also looked at a printout from our
KIVA system and I think there is probably about
25 to 30 more projects that weren't on your
list. We're going to be supplying that and

working with Ellen on this. But it's a scary situation.

Talking to our Department of Public Works, Wastewater Division, one of the engineers says you know wastewater is easy, all you have to do is just apply money. You want a hundred million gallons capacity? Just build 'er. You guys can't do that. You can build all the distribution lines you want, but you've got to find water. You've got to get the water from where it is to where it's needed. And do you

even know where it's needed?

That's the process that we need to go

through. We need to establish through a growth

management and directed growth strategy where

the heck development should go so that it meets

I guess our expectations as to a liveable

quality of life and it also meets the

engineering aspects of how much water you're

going to need to supply to these particular

areas and when.

So we really invite the board and the Department of Water Supply to participate in our process so that the results will be one that, you know, will be -- will work for both of us and work for the citizens of Maui County.

I didn't answer your question because I don't know right now. But we're working on it.

MS. PARSONS: When do you expect to have some kind of figures? I mean, what's your ETA on what you're putting together?

MR. MISKAE: This is probably going to

take six to eight months, maybe a year to get through the growth boundary process. In other words, how much population we're going to allocate and where we're going to draw some lines to know how much, for example, how much water would be consumed by a particular area, which would help you in terms of your long-term planning.

Just to meet what's in the pipeline, little pun there, right now -- very little, I guess -- right now is going to be something we

could talk to Ellen about through our KIVA system. So at your next meeting, we should be able to provide you I think with a list of those things that are currently in the approval process in the Central Maui area. That would include Paia, Wailuku, Kahului, Waihee, and South Maui. I guess that's the Central Valley area?

MR. STARR: To ask the same question but in a different way of categorizing it, in the central area, what has been the population

growth over the last several years and what do

you expect it to do?

MR. MISKAE: Basically that information

is contained in the report that I don't know if

Ellen has. If she doesn't, I can give that to

you. I don't have it in front of me. But what

we have is we have 1990 population actual. We

have 2000 population actual. And then we've got

some projections for 2005, 2010, 2015, and 2020,

broken down into the various community plan

areas, which is a basis for us to start from.

These numbers may not be ones that we will

eventually arrive upon. Maybe we will want to

see more concentration in some others and not in

others. But those numbers -- we have basic

numbers to work from.

MR. STARR: You know, it's difficult. I

think that the disconnect between what we're

trying to do, which is to hopefully provide the

water that's needed for the communities, one of

the more difficult things is the disconnect

between our process and planning. It's something that I've asked quite regularly over the last four years. And I'm glad we're starting to get a dialogue going and starting to get an information flow. And I'd hoped that Planning was going to give us a presentation with some hard numbers today. I understand that will be forthcoming. So it's a step in the right direction.

But from our standpoint, I mean, what should we do in the meantime in terms of trying

to have some targets that we can aim for?

MS. PARSONS: Given the situation we have with the Iao Aquifer, what is your best scenario of what we should be doing at this point without, you know, proper information?

MR. MISKAE: I think one of the things that the department has consistently done is to have reviewed applications and then it usually put a disclaimer on. Mr. Craddick maybe could expand on this. But put a disclaimer on that water may not be available at the time it's

needed, which is obviously something that you
have no choice in doing that because you really
don't know what projects are going to proceed,
which ones aren't, you don't know what's coming,
you don't know where it's coming from. I mean,
Maui Lani was, what, 20 years ago that project
district was put in with the idea it was going
to be built out, we're going to have like 4,000
people in there. Well, it's not built out. The
Wailuku project district, again. But it's

market driven.

For example, if units were made available in those project districts at affordable prices, they would be built up pretty fast. But I mean I don't know if you've got reservations for the entire amount of units that could be in each of those project districts. I don't even know if you have reservations. By looking at build-out scenarios for lands that are designated for development in the Central area, in other words the area that draws water from the Iao Aquifer,

it's big. I mean, if it was all built out based on the plans, you would soon not have the water. You wouldn't. So I mean, the idea of this disclaimer each time maybe is what you have to do.

MR. STARR: It's a very inexact science, right? However, it looks like Ellen has some numbers. Could we get her to share with us what she may have?

MS. KRAFTSOW: Well, Jon, I actually was saying something else to the director. But to

the best of my recollection, it's what 6.7 odd,

I have the paper, I didn't bring it today,

million in the pending projects. Those are all

--

MR. STARR: Is that gallons?

MS. KRAFTSOW: About 6.7 million. It

could be 6.2; I don't remember exactly. It's

six-point-X. That's off the top of my head.

And those projects in that list are just large

projects.

What actually would be the greatest help

to us from the planning department, which is

what I was saying here was that one of the main

difficulties that we have is each planner trying

to track the project and the demand for their

district based on discretionary approvals is

subsequent information on status of the project,

what has been withdrawn, what's built out, what

percent built out is it, what remains to be

built, any other changes. The ongoing status

report I guess is what would help us track.

And then again our list isn't

comprehensive; it's just looking at big

projects. So I don't know if that accounts for

the 20 or 30 or if some of them are also quite

large ones we missed, it's quite possible.

MR. STARR: How is what we're seeing and

what we've seen over the last 10 years tracked

with the old Water Use & Development Plan, the

1990 one that was approved? I don't know if

Carl might help you or if you have that off the

top of your mind.

MS. KRAFTSOW: How does it track in what way? You mean in terms of demand growth?

MR. STARR: Yeah.

MS. KRAFTSOW: I have a table that shows that, a graph. It's lower -- I think that the Water Use & Development Plan 1992 projection was a max day projection. So it's been lower than that. And it's -- I think it's also been lower than the forecast in the infrastructure assessment from 1992, right, yeah.

MS. PARSONS: What was that? What did

you say?

MS. KRAFTSOW: There were constrained growth and unconstrained growth forecasts in the old plan and if we're talking about Central Maui -- you know, I would rather check it to be sure. But my thought off the top of my head is that it turned out lower in both cases.

MR. STARR: I would like to be able to see that when we have that next meeting where planning and other entities and let you know what the old water use and development plan

said. Also, how many gallons they had projected we would be using at this point. Because I know there were some numbers to that effect. I'm curious to know how that compares with what we're actually using now and what we've got available.

MS. KRAFTSOW: I can bring it.

CHAIRMAN RICE: Ellen, the six-point-X million gallon number you just threw out, that's in relation to what?

MS. KRAFTSOW: This would be

discretionary approvals or discretionary

reviews. As Brian told you, when a permit --

SMA or community plan amendment comes through,

then they send it to us for review. And we

track -- for each permit review, we say this

project we estimate will use about this much

water. And then we track that in each district.

CHAIRMAN RICE: So that's the total in

that category for Central or for all of Maui

or --

MS. KRAFTSOW: The number that I gave you
is for the Central Maui.

CHAIRMAN RICE: Central only. Is there
something to copy? Is there --

MS. KRAFTSOW: I think I gave Ginnie and
Mike a draft of that or showed them a draft of
that at our reporting meeting, but I don't have
anything that I've been passing out to the
board. I don't have them all in standard format
exactly yet. I think they talked about starting
to give them to the board on a quarterly basis

beginning in February.

CHAIRMAN RICE: Cathy, can you get from Ellen that socioeconomic forecast that Brian has and get it to all the directors and get it in the mail tomorrow? I assume it's a big document, bigger than faxable document.

MR. CRADDICK: E-mail.

CHAIRMAN RICE: Oh, it's e-mail? E-mail is fine.

MR. CRADDICK: May not be fine because you may not be able to open it. It's not a

simple document.

CHAIRMAN RICE: Brian, can you help? Is
this document in an e-mail form only?

MR. CRADDICK: It's a PBF format.

MR. MISKAE: It's a PBF zip file.

MR. VICTORINO: Mr. Chair, I sometimes,
you know, I love e-mail and I've gotten much
more user-friendly with e-mail, but I also get a
problem when you can't pick it up and you've got
to get a special program. If it's required a

special program, then if you can just make the
copies and send them out, Cathy, I think that's
more appropriate than making us go through the
hassle of picking up an additional.

And as Ellen mentioned, just so that we
don't get off track and people start wondering
what we're referring to, we have on the
instruction of the chair and the board been
looking at improving and correcting or
implementing some new procedures and policies
for the board and the Board of Water Supply so

we've been meeting with various departments so
that's what Ellen was referring to is that's
what we've been meeting on, so that we don't get
a confusion like we're doing something separate.

That's okay, Ellen, just so that
everybody understands what we're trying to do.
That's a subcommittee that you assigned us to
take care, Mr. Chair.

CHAIRMAN RICE: Any other questions for
Brian? Brian, thank you. We'll look forward to
having you at our next meeting on the Central

Maui source availability, along with the rest of

advisors and consultants.

Moving on, we have one last item on the

agenda. This is the additional funding for

outside legal counsel review of the final

supplemental environment impact statement for

East Maui Water Development Plan. You have in

your packet I believe comments by George Yuen

and the letter from Mr. Hall. That starts on

page 130 -- actually starts on page 129.

It is my understanding that a previous

board had -- I don't know if insisted is the
right word, but requested that Mr. Matsubara be
retained to assist the board in this evaluation
of the EIS and at this point the letter from
Mr. Yuen to Mr. Craddick outlines the fees that
Mr. Matsubara will be charging to proceed and
the -- is the reason it's on the agenda for
today's meeting because we need to decide if
we're going to proceed with a review by
Mr. Matsubara or accept the final EIS. That's

process. Is that correct, Mr. Craddick?

MR. CRADDICK: Partially. Mr. Matsubara is Mink and Yuen's consultant, not the board's consultant.

CHAIRMAN RICE: Mr. Starr?

MR. STARR: I think that we certainly are going to need legal counsel as far as the EIS matter goes. I don't think it's a simple matter and I don't know if the continuing process, whether Corp Counsel is intending to handle it in-house or whether we should bring in someone

else. There has been discontinuity, you know, certainly in corporation counsel. And I know that's one of the problems that they face with it is every time as they go around, to bring something else up to speed.

And I would like to hear from our representative of corp counsel on this as to what we will be looking at. Because it's not going to be a simple matter, hasn't been a simple matter up to this point and probably going to get more complex and more difficult.

And whoever we're using to do a review should be the person who's -- or the firm or the in-house person that's going to actually be handling it in court. I don't think to have someone doing just a review and then not being involved in the filing of litigation or whatever is in our interest.

MR. KUSHI: Mr. Chair, Board Member

Starr, thank you for that opening. I was going to suggest -- and I would be happy to answer your questions on behalf of my office. I would

suggest at this time that the board discuss this matter in Executive Session, specifically to the extent of the agenda item which is to more compensation for an attorney who is hired by our consultant. But again, it relates to the ongoing civil case, Case Number 93 -- Civil Number 93-0734 which is the Coalition versus the Board of Water Supply and the director.

So in essence I'm asking you to --

suggesting you go into Executive Session to

discuss this matter about counsel representation

-- further counsel representation for our office

in this matter as well as the ongoing EIS

process. To that extent, you would request that

the Executive Session be held under Section

92-5(a)(4) which is basically to consult with

the board's attorney on questions and issues

pertaining to the board's powers, duties,

privileges, immunities, and liabilities.

MR. VICTORINO: Move that we go into

Executive Session under that 92-5(a)(4).

MR. NOBRIGA: Second.

MR. STARR: I just want to be clear that we're only going to be discussing our legal representation here and not the subject of the EIS itself.

MR. VICTORINO: I think that's what this is all about, Jonathan. I'm pretty certain that's exactly what we're going to be discussing.

CHAIRMAN RICE: Any other comments about the motion? All in favor, say aye.

[Chorus of ayes.]

CHAIRMAN RICE: Opposed, say nay.

[No response.]

CHAIRMAN RICE: We go into Executive

Session. Clear the room, please.

(Executive Session held.)

CHAIRMAN RICE: Meeting is back in

session. We're still on agenda item C under

Other Business, additional funding for outside

legal counsel review of the final supplemental

environmental impact statement for the East Maui

Water Development Plan.

MR. VICTORINO: Mr. Chair, I move that we
not approve any additional expenditures.

MR. NOBRIGA: Second.

CHAIRMAN RICE: Moved and seconded --

MS. PARSONS: At this time.

MR. VICTORINO: At this time, exactly.

Thank you, Ms. Parsons.

CHAIRMAN RICE: Okay. Is there any
discussion? Mr. Starr.

MR. STARR: Just that we may want to have
outside legal counsel at a later time and using
a different [inaudible] --

CHAIRMAN RICE: Right. Agreed.

MR. NOBRIGA: Subject to the
recommendations from corporation counsel.

MR. STARR: Yes, and approved by --

CHAIRMAN RICE: Okay. Motion is to deny
or not to approve any additional spending for
outside legal counsel. All in favor, say aye.

[Chorus of ayes.]

CHAIRMAN RICE: Opposed, say nay.

[No response.]

CHAIRMAN RICE: Motion is carried. That is the last item on the agenda. Any other business to be brought up? Mr. Victorino.

MR. VICTORINO: As I stated back about a month and a half ago that I would give an updated report on the policies and procedure committee that has been meeting with the department. We are well underway. We've had three or four meetings to discuss -- it's a

report. I'm just reporting.

MR. STARR: I want to hear the report,
but it's not on the agenda today.

CHAIRMAN RICE: We don't have reports on
the agenda.

MR. VICTORINO: But I would say something
[inaudible], it's well underway, thank you very
much.

CHAIRMAN RICE: Now, with the pending
special meeting that you all have received
notice on, Mr. Kushi, I want you to be in

consultation with Mr. Craddick on every step

that's taken, please. Mr. Nobriga?

MR. NOBRIGA: Fortunately I will be out
of state.

CHAIRMAN RICE: Fortunately or
unfortunately? Mr. Starr, you want to say
something?

MR. STARR: I just want to be sure the
Chair reviews the way the agenda item is stated
for that meeting.

CHAIRMAN RICE: Any other business?

Adjourn.

(Whereupon, the meeting was adjourned at

11:50 a.m.)

"By Water All Things Find Life"

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