

County of Maui Water
Supply

BOARD OF WATER SUPPLY
COUNTY OF MAUI
REGULAR BOARD MEETING
THURSDAY, FEBRUARY 26, 2004

Held at the Kahului Shopping Center, Kahului, Maui,

Hawaii, commencing at 9:00 a.m. on February 26, 2004.

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

A P P E A R A N C E S

CHAIRMAN: KENT M. HIRANAGA

VICE CHAIRMAN: MICHAEL P. VICTORINO

BOARD MEMBERS: KENNETH M. OKAMURA

SALLY RAISBECK

GINNY PARSONS

CLARK S. HASHIMOTO

DEPUTY CORPORATION COUNSEL: EDWARD KUSHI, JR., ESQ.

DIRECTOR: GEORGE TENGAN

DEPUTY DIRECTOR: JEFFREY T. PEARSON

BOARD SECRETARY: CATHY HOWARD

STAFF: HOLLY PERDIDO

HERB CHANG

WENDY TAOMOTO

JACKY TAKAKURA

CHAIRMAN HIRANAGA: I would like to call the

meeting of the Board of Water Supply to order. In

attendance we have Kenneth Okamura, Sally Raisbeck,

Clark Hashimoto, Mike Victorino.

Are there any announcements?

BOARDMEMBER RAISBECK: Oh, yeah, I wanted to

announce that on March 3rd, the Water Resources

Committee of the County Council is having a meeting in

which they will --

[Adjustment of microphone.]

BOARDMEMBER RAISBECK: Yeah, on March 3rd, the

County Council Water Resources Committee is having a

meeting and they will be taking up the Water Use and

Development Plan, I believe, George?

MR. TENGAN: The update.

BOARDMEMBER RAISBECK: An update on the Water Use and Development Plan. So I know I want to attend that meeting and maybe other board members might.

And anything else? Oh, yeah, another announcement would be that a week ago yesterday, the State Water Commission met and limited the Waihee wells, the current Waihee wells, to 4.0 mgd and I will be asking when we ask for agenda items that we receive an update about how we're going to manage that. Thank

you.

CHAIRMAN HIRANAGA: Any more announcements?

Are there any corrections or comments

regarding the minutes of January 29th, 2004? If not,

is there a motion to approve the minutes?

BOARDMEMBER VICTORINO: So moved.

BOARDMEMBER HASHIMOTO: Second.

CHAIRMAN HIRANAGA: Moved by Mike, seconded by

Clark. Any discussion? If no discussion, all in

favor, say aye.

VOICES: Aye.

CHAIRMAN HIRANAGA: Opposed?

[No response.]

CHAIRMAN HIRANAGA: Motion is carried.

Going to the next item, Communication 04-01,

I'm going to defer that until corporation counsel is
here.

So let's move on to the next item, which is a
verbal report on upcountry meeting regarding EPA Lead
& Copper Rule Compliance for the Upcountry Water
System.

MR. TENGAN: Mr. Chair, last week we had a meeting with the people upcountry regarding the Lead & Copper Rule. In attendance was myself, council chair Dain Kane, and Mayor Arakawa. It was held at the Eddie Tam Center. I have Jacky here to give you a report on that meeting.

MS. TAKAKURA: Good morning, everyone. I'm just going to be following the outline that I think you received this morning.

The meeting started at 7:00 and we had to get done by 10:00. It took pretty much the whole three

hours. First of all, we gave a short update on what's been going on with the Department of Water Supply.

First and foremost, our phosphate dosage has not

changed. You probably know we started using

phosphoric acid -- no zinc -- as of April 2003 and

we're still using that in the same dosages at all

three treatment facilities.

Other changes that have gone on since our last meeting with the community, which was on October 1st,

include using Lower Kula water from the Piiholo Water

Treatment Facility at the Upper Kula Treatment

Facility. We've been doing that since November 17th, and just last week did we get the Upper Kula facility running again.

During that time, we did an in-house lead and copper sampling. We didn't get the full 60 participants; we only had about 38. So it wasn't the full sample. However, the lead levels did not show an improvement with the change in water source. You might recall that in August of 2003, the Upper Kula system 90th percentile was at 41 parts per billion.

The action level is 15. With the Lower Kula water, with this in-house test, the 90th percentile was 43 parts per billion.

The only other change is that for the parts of Haiku that was on Kaupakalua well water, that area is now on Kamole Water Treatment Facility water because the well is not in service.

But we have been having discussions with the Department of Health Safe Drinking Water Branch. Because of the Upper Kula system not passing the Lead & Copper Rule or the action level being passed, they

wanted us to double the dosage of phosphorus. We didn't want to do that. And so they said okay, well, if you don't do that, you need to hire a consultant. So we've gone through the statements of qualifications from all the different consultants and we've chosen one and we're going to be working on the negotiations very soon.

We also sent water samples and the chemicals used in the water treatment process to laboratories to verify their purity because the community has been questioning that. In fact, I just got the results

today if any of you want to see that.

We spoke with EPA Region 9 in San Francisco to ask them again about getting rid of the lead itself to solve this problem. They said well, theoretically -- and they kept using that word over and over in this conversation -- theoretically they may consider stopping phosphates if all sources of lead were removed.

The next part of the meeting included an update on federal funding and this was done by County Council Chair Dain Kane. He and his staff worked with

the U.S. Congress members from Hawaii to secure a half a million dollars federal grant. And the name of the grant is Upcountry Maui Lead-Water Reduction Plan.

And it's us working with the Department of Health and the community to remove lead contamination. That includes testing homes, removing the source or sources of lead contamination, blood testing for children, and education for the community. The funds are going to be distributed through EPA Region 9 and the engineer over there, Barry Pollock, he will be the project

administrator. And in fact, he just sent us the grant application this morning, so we'll be working on that and we'll be working with the Department of Health and community members to come up with a work plan, what we're going to do with that money.

The grant is for \$500,000, although we won't get that full amount. I guess the federal government takes a little bit and then we get four hundred and something thousand dollars. We don't know that amount yet.

After Dain Kane spoke, Dr. Lorrin Pang gave a

brief update. He's still continuing with his plans to create a blind test in which community members who have reactions -- report reactions receive water with phosphates for a certain amount of time, say three weeks, delivered to their homes in some sort of container, and then for a certain amount of time, maybe another three weeks, receive water without phosphates, not knowing what kind of water they're getting. Dr. Pang wouldn't know either, but he would be monitoring the results or reactions of the participants. He's still trying to get more people to

participate and a start date hasn't been determined.

And he also reminded the community that in blood

samples that they have done in children, Upcountry

children do show a higher level of lead than in other

areas like Central Maui.

Basically the community wants the phosphate

use stopped immediately. The reports of rash and

itching do continue. There was a lot of emotion at

the meeting and a lot of questions, a lot of comments.

But I think people are realizing that the solutions

won't come easily because we have tried to do all the

easy things we can do, like we've asked can we stop using it and we've been told no. So, you know, we do have plans coming to resolve this, although they will not be tomorrow as the community would like. So that was the meeting. We'll probably have another one in a couple of months.

Barry Pollock from EPA Region 9 will be in Hawaii in May, so I'm thinking that might be a good time to have another meeting.

Any questions? Yes, Clark.

BOARDMEMBER HASHIMOTO: The testing is done in
the homes and not at the meter.

MS. TAKAKURA: The lead and copper testing
you're asking about? Yes, that's done in the
customers' homes following the rules of the --
instructions of the rules.

BOARDMEMBER HASHIMOTO: So it's coming from
the plumbing then.

MS. TAKAKURA: Right. We have done some tests
out at hydrants and they show either less than five
parts per billion or nondetectible. And especially

when the water is flowing, you can see that the water
flowing through the distribution system does not have
lead in it.

BOARDMEMBER VICTORINO: Jacky, you know, this
reduction plan, this Upcountry Maui Lead-Water
Reduction Plan, what kind of timetable do we have as
far as implementation? I know you said you just got
the application. I guess the question I'm having is
how much longer do we wait to see something done?
Because I agree with the people up there, I mean,
something has to be done. We may know what the source

of the problem is and I think that's been determined, but until that is changed, we still got to go and do due diligence and make sure we have done everything possible. When with these -- what kind of timetable are we looking at?

MS. TAKAKURA: At this time I don't know, but we do have a plan already prepared by a group of community members called the Upcountry Water Ohana. So it shouldn't take too long to tailor that to fit the requirements of the grant. But we do need state input and community input. We want to make sure we

have that, too. I'm not sure what the time frame is going to be yet.

BOARDMEMBER VICTORINO: Six months, nine months, a year? I mean your best guess.

MS. TAKAKURA: I know we would have things started definitely within six months, definitely. But I don't know if things would be completed.

BOARDMEMBER VICTORINO: Well, a start date I think is what I think I was asking for.

MS. TAKAKURA: I would think more like we

could at least start within three months once we get the grant approved and the work plan approved, if not sooner.

CHAIRMAN HIRANAGA: Yes, Ken.

BOARDMEMBER OKAMURA: So the monies would be used to change like -- change the fixtures and things like that in the house -- generally -- you're not sure?

MS. TAKAKURA: One thing that Barry Pollock said is the money is not to be used for construction. So at this point it might be more for identification.

And then at a future time, say next year or something,
we could apply for another grant that could include
more specific actions to rid the source of lead.

BOARDMEMBER OKAMURA: So actually the sources
would not be removed but just be assessed, find out
what the sources of lead are, for this money?

MS. TAKAKURA: According to what Barry had
said, yes. Because he specifically said this is an
environmental grant, not a construction grant.

BOARDMEMBER OKAMURA: Would it be a good idea
to start, you know, as soon as maybe some of the

problem is assessed, to start to look for the monies

for the --

MS. TAKAKURA: Definitely, yes.

BOARDMEMBER RAISBECK: Has anybody come up

with a figure, a dollar figure, for what it would cost

to fix the lead in the homes rather than putting the

phosphate in the water?

MS. TAKAKURA: Just a ballpark estimate, you

know, using U.S. census data, maybe \$3 million to

remove lead from all the affected homes.

BOARDMEMBER RAISBECK: So the county can't

come up with \$3 million to fix the homes?

MS. TAKAKURA: That part I'm not sure I'm clear on. But you have to recall, this is in customers' homes so, you know, the county can't force them either. There has to be some buy-in on their part, too.

BOARDMEMBER RAISBECK: But from your testing that gave the lead results -- I mean from the data that showed which homes had high lead, you could certainly figure out which homes needed fixing and

maybe there could be a cooperative partnership with

the homeowner.

MS. TAKAKURA: Well, in the past we have asked

if we could change fixtures and the regulatory

agencies have said no.

BOARDMEMBER RAISBECK: Why?

MS. TAKAKURA: I believe that they think it's

easier to just treat. I'm not -- it's stated in the

rulings that if a sample home changes their plumbing,

then they're no longer part of our sample and we have

to go find another one who does have lead solder and

fits the bill to be a part of the sample. The way the testing is set up is they want to find lead.

BOARDMEMBER RAISBECK: Well, if it exists, they want to find lead, yeah.

MS. TAKAKURA: Right.

BOARDMEMBER RAISBECK: Okay. Thank you.

MR. TENGAN: I think basically EPA is thinking that although we remove or change out the plumbing for those homes with lead in it, we're not going to -- they're not going to be assured that all homes are covered, you know.

BOARDMEMBER RAISBECK: So you essentially --

how many homes are there in the upcountry water

system? How many meters?

MS. TAKAKURA: According to the U.S. census,

there is 11,600 homes.

BOARDMEMBER RAISBECK: So any estimate on what

percentage have the lead?

MS. TAKAKURA: It would -- I think it was

around 3,000 or so that were built between '82 and

'88, which would be the time that EPA considers to be

the highest risk of lead.

BOARDMEMBER RAISBECK: So at the cost of testing 3,000 homes, you could -- you could maybe fix the problem in the home and assure the EPA that it was okay.

MS. TAKAKURA: Well, like I mentioned, they said that they would only consider stopping it if all sources of lead were removed. So it's really up to them. They wouldn't even -- I mean, in other conversations they have said you have to remove every brass valve and meter and joint and every -- I mean

everything has to be plastic basically they have said
in other conversations. So they are going to make it
as difficult as possible.

BOARDMEMBER HASHIMOTO: The lead is just the
ingestion or drinking the water, right, not from
showering or anything else. So what -- what if they
provide bottled water from Wailuku or -- I don't know.

MS. TAKAKURA: That's something the mayor has
mentioned. I mean, we haven't looked at the details
of how to do that, but that has been mentioned, yeah.

CHAIRMAN HIRANAGA: Yes, Kenneth.

BOARDMEMBER OKAMURA: Just one last question.

What are the consultants going to do? The choice is either to double the dosage of phosphoric acid or hire a consultant. So what is the consultant going to do?

Thank you.

MS. TAKAKURA: They are going to take a broad look at everything in the upcountry water system and that includes analyzing the construction materials used in the pipelines, in our tanks, in homeowners' plumbing, looking at flows and how we sometimes pump up or let water flow down. Look at the different

treatment methods that we use and how they're impacted, if they are, when the water is mixed. Look at disinfection methodologies. Look at the thing we do to adjust the PH. Look at the lead and copper data and see if, you know, there is trends or characteristics. Also look at other available technologies that are out there that maybe we should be using instead.

In fact, this scope of work is four pages long. It's quite detailed. So they are going to look at all kinds of things and see, maybe there is

something else going on that, you know, while we're still meeting all Safe Drinking Water Act rules, that maybe there is something else going on that we're not aware of. So it's going to be a pretty broad study that they are going to be doing, looking at everything in terms of the water quality and water chemistry throughout the whole system.

BOARDMEMBER VICTORINO: The EPA administrator, the project administrator, Barry Pollock, when will he be in town and how long will he be here? Do we have

any idea?

MS. TAKAKURA: He will be here for the AWWA Hawaii Section Annual Conference in May. So if any of you are attending that, please find him and talk to him. But that's the time he's going to be in Hawaii, so I would like to -- I'm going to try to work with him to get him to come to Maui, too, during that time. I believe it's the second week of May, like around May 10th or so, that week.

BOARDMEMBER VICTORINO: And I guess -- you answered the question could we get him to come here.

Because if we could, if you can arrange that, maybe we could schedule our meeting around that and have, you know, frank discussions about the funding and how the usage is and what else we can do to get funding to make those changes that we're talking about right here.

Because I think we all know where the source is really at and we just need to get it taken care of. This continuously testing for everything is an ongoing process and I agree with some of our board members, I think a waste of money. And we know where the problem

is, let's get it fixed. To continue spending all this money does not seem to be really good fiduciary responsibility on not only our part but also on the federal and state level. So let's get it taken care of.

Let's see if we can get him to come to Maui and if possible we can, you know, have our meeting scheduled around that if that could be arranged, Mr. Chair.

BOARDMEMBER RAISBECK: Do you have the exact dates for that AWWA conference?

MS. TAKAKURA: It would be in May. The pre-conference workshop, which would be Tuesday, May 11th, and the workshop itself would be May 12, 13, and 14th in Honolulu. And there is information on the AWWA Hawaii Section website, which is AWWA-HI.org.

CHAIRMAN HIRANAGA: Any further questions for Jacky? Thank you.

Okay. Next agenda item is New Business, discussion regarding the proposal to connect Paia, Kuau, and possibly Spreckelsville to the Hamakuapoko

wells. George?

MR. TENGAN: Mr. Chair, I believe you want me to discuss the advantages and disadvantages of connecting the wells. From the department's point of view, the advantage would be to take the Paia and Kuau system off of the Iao Aquifer. And the economic advantage would be to allow the department to continue issuing meters to construction.

As far as disadvantages, the only thing I can think of is that maybe our pumping costs will be a little higher than what we're doing now. I believe

the Hamakuapoko wells are at a higher elevation than
the Waihee wells.

CHAIRMAN HIRANAGA: Questions?

BOARDMEMBER RAISBECK: I know people who live
in that area and they see it as a disadvantage that
rather than getting water from the Iao Aquifer, which
is of course our best water, they will be getting
water from the H-Poko wells which they don't wish to
because of the supposed presence of DBCP. And I
believe that the filters are supposed to take that
out, but the people I know aren't sure of that. So to

make the people who live in that area accept the water, I think there would need to be some real discussion of whether the water from those wells is as good as the water from the aquifer.

MR. TENGAN: Mr. Chair, with regard to that concern, we have scheduled a community meeting at Paia Community Center Tuesday, March 23, 6:30 p.m.

BOARDMEMBER VICTORINO: March 23rd?

MR. TENGAN: 23rd.

BOARDMEMBER VICTORINO: Mr. Director, I think I have one question. When you take Paia and Kuau off

the Iao Aquifer system, how much -- do you have any
idea how many gallons we save or how many gallons we
reduce the usage from the Iao Aquifer?

MR. TENGAN: Could be up to a half a million
gallons per day.

BOARDMEMBER VICTORINO: Half a million gallons
per day.

CHAIRMAN HIRANAGA: Yes, Ken.

BOARDMEMBER OKAMURA: I was wondering, H-Poko
wells are used for the upcountry areas in times of

drought -- emergency source.

MR. TENGAN: Correct.

BOARDMEMBER OKAMURA: I was concerned about the availability of water during drought periods for the upcountry area if the sources are tapped for the Kuau-Paia area.

MR. TENGAN: That source would still be available to pump water upcountry if the need is great enough. Of course, we would be looking at a demand on the Central Maui system also.

BOARDMEMBER OKAMURA: So it's just like people

could come to a point where sort of fighting for that water. How would you allocate the water that comes out of that well?

MR. TENGAN: I don't know that we would allocate the water, but we would manage as best as we can, the reservoirs and the groundwater sources.

BOARDMEMBER RAISBECK: I would like to know more details about this proposed connection because would any of the H-Poko water be going to other parts of the Central Maui system other than Paia -- I mean other than -- yeah, Paia.

MR. TENGAN: Eventually it's intended to connect to the Central Maui system and to be available for use in the Central Maui area.

BOARDMEMBER RAISBECK: Thank you.

BOARDMEMBER OKAMURA: Repeating the last point I said, I would be concerned that you're taking away a source for the upcountry area that is used in periods of drought. I don't feel that you sort of addressed that issue.

MR. TENGAN: Those wells were originally drilled to service Central Maui. It was made

available for supplementing our surface sources
upcountry several years ago when the board got
approval from the court to use those wells for drought
emergencies.

BOARDMEMBER RAISBECK: At the community
meeting on the 23rd, will you have recent tests of the
H-Poko water, recent tests for the contaminants?

MR. TENGAN: I don't know that we have tests,
you know, recent test results, but we do intend to run
a full-scale analysis of the water before we turn --

put it into the system.

BOARDMEMBER RAISBECK: But you can't do that
before the 23rd?

MR. TENGAN: We could, but I would think it
would be much more efficient or better use of money to
take the test just before we put it into the system.

BOARDMEMBER VICTORINO: I think I understand
what Ken and Sally are both saying and I think that's
a concern that we cannot just ignore. Also, we got to
realize that somewhere along the line this H-Poko
wells have got to come online because that was part of

the settlement with the East Maui Plan. And if we don't, somehow that is going to be lost forever and we don't want to lose that opportunity to use these wells. Whether this is Paia, Kuau, into the central area or upcountry, we need to keep as that part of our water system. We need the water.

I can see and I agree with you, Ken, that we're getting to a point where we're going to start fighting for water. Very soon. If not in the next two or three years, maybe even sooner than that where Central and East Maui and Upcountry are going to start

fighting for water because sources are going to be interconnected. Right now they have kind of always been separate and we have interconnecting systems now and we may be running into that.

I think it behooves us to make sure that the community understands that we will do the best we can to make sure we share equally and fairly. I think that's important. And that we have safe, clean drinking water from H-Poko, that that water is good to be used not only for Kuau, but Central, Upcountry. I mean, been used for upcountry for years; are you

telling me it's not good for Upcountry people? Then I would be very upset.

You know, personally I would want to see it done fairly. Now, I don't want to say the rules are being fair, but if we're going to get two million, three million gallons out of there, then allocate so much for Upcountry, so much for Central Maui and Kuau, we can save 500,000 for the Paia-Kuau area at this time so we don't have to go upcountry. I don't know. But somehow equitable and a fair method, and also

making sure it's safe and drinkable so that once that is done, then I think the people of Maui would have some confidence in what we're doing.

But all the questions I agree not being addressed only leads us to be suspicious of what's going on. And no offense to the department or anybody, it's the people of Maui that need to be addressed and these answers have to be -- these questions have to be answered so that everybody moves on and H-Poko becomes an active part of our water system.

CHAIRMAN HIRANAGA: Any other comments? To

clarify, what is the sustainable yield in those H-Poko wells? Or what do you anticipate the pumping capacity is on a daily basis?

MR. TENGAN: I think we can pump about 1.5 mgd right now. But like I was saying earlier, we don't anticipate to put any more than 500,000 gallons into the Paia system.

CHAIRMAN HIRANAGA: So what you're saying is the current consumption is around half a million gallons per day.

MR. TENGAN: For that area, yeah.

CHAIRMAN HIRANAGA: So there is a million gallons additional capacity that won't be used -- a million gallons per day.

MR. TENGAN: Right.

CHAIRMAN HIRANAGA: Which could be useful if there is a drought situation. It's not like we're taking all the water from H-Poko.

MR. TENGAN: I would suggest to the board that the board, you know, leave the issue up to the department as to how to manage the source and then if

it becomes critical in the future, then the board can look at a policy as to how to use that source.

CHAIRMAN HIRANAGA: I guess my main concern is that the Paia-Kuau area will be totally -- will be using a hundred percent of treated water; whereas when the water was used in the upcountry area, it was mixed with surface runoff, so there is a blend there. So I would be more comfortable if some type of a water tank was constructed so that versus being a hundred percent treated water, that it be a mixture of Iao Aquifer

water and treated water so that if there is a problem with the filters and, you know, you're not going to be able to detect that problem immediately because you do periodic testing, that there is some type of buffer between receiving a hundred percent treated water versus say two-thirds Iao water and one-third treated water. I don't know what industry standard is, but I know in other municipalities that's what they do is they mix the water, it's not a hundred percent treated water. That's my concern.

MR. TENGAN: I guess initially we can take a

look at our ability to blend the water. However, when the demand gets to a point where we need to put in the entire 500,000 gallons into the system, then, you know, we're going to have to do that.

But by using that source, as I stated earlier, it will provide relief on the Iao aquifer and also provide for the economy to go on as it is right now, but in the meantime, you know, we can take a look at maybe pumping so much water from Hamakuapoko into the Paia tank and then supplement that with water from Iao, depending on our demands on this side.

CHAIRMAN HIRANAGA: Yes, Ginny.

BOARDMEMBER PARSONS: George, is it going to be advisable, since we are using treated water, it's something we might want to advise residents to have a filtration system on at least their kitchen sinks? Is that something that we can do as an advisory? Not necessarily mandate it, but --

MR. TENGAN: I don't know if we want to do that, telling the public we ourselves don't have confidence in the water we're providing. If consumers need the additional assurance, maybe they can on their

own install any device that they feel might, you know,
might be necessary.

BOARDMEMBER PARSONS: Does the treated water,
does it soften the water? Like we have groundwater
and then the groundwater is mineralized enough we have
the lead problems with the ground as much as we do
with reservoir. Does the treatment process soften it
so that it might also pick up the lead or particles?

MR. TENGAN: Yeah, I don't think it will
affect the alkalinity of the water because we would be

basically removing lead from -- not lead, but DBCP
from the water.

BOARDMEMBER PARSONS: Thank you.

CHAIRMAN HIRANAGA: Yes, Sally.

BOARDMEMBER RAISBECK: Yeah. Just -- because
this water is, as Ken said, there will be demands for
it from Upcountry as well as demands from Central
Maui, I don't think it's fair to give any of that
water to central -- to the rest of Central Maui when
Upcountry has been waiting for water source for much,
much longer than Central Maui. And to use as an

argument that it allows the department to continue
issuing meters, well, great for issuing meters
Upcountry. I don't think that water should be used to
allow continuing issuing meters for Kihei and Wailea
and so on. So I would object very strongly to using
any of the H-Poko water to relieve a situation in the
Iao Aquifer.

MR. TENGAN: Well, one could develop an
argument that that water would be used for Paia and we
could disconnect the Paia system from the Central Maui
system.

BOARDMEMBER RAISBECK: That would be fine with me.

CHAIRMAN HIRANAGA: But isn't the H'Poko well part of the East Maui Water Plan? So it was intended for Central Maui's system. And the reason that it's allowed to be diverted upcountry is because of a court agreement that during drought periods you could allow pumping of the water to go upcountry. But I think the original intent of the system, the wells, was to service Central Maui.

BOARDMEMBER RAISBECK: Yeah, but again, that

just leaves Upcountry on the sorry end of things

because they need -- they need water more than Central

Maui does.

CHAIRMAN HIRANAGA: Yes, Ginny.

BOARDMEMBER PARSONS: I'm the first one,

Sally, to support water for Upcountry and we

definitely need it. We do have Pookela well coming

online the sooner the better and I believe the

director is going to get costs together for us for

what it would cost for the contractor's pump in there

and get it online sooner if possible. But H-Poko was designated for central valley and we kind of have to look at the way the rate structure is structured right now. Central valley helps to pay for a lot of the costs that we have Upcountry and the water isn't -- water rates aren't based on, gee, it costs more electric to push water uphill in Upcountry versus central valley, so they pay a bulk of what our costs are. We should be more expensive.

So when you look at it from the financial standpoint of where it was originally designated, I

think bringing it into the system, whether it hits the central system or hits Paia or Spreckelsville, we all need to share and we all need to look at in the long term I think a security situation where if we have a problem in Spreckelsville or Paia, that they can divert to some other -- some water from some place else and be able to cut that supply. Or same thing if it's Wailea. We need to have some diversionary tactics in case we do have any problems with terrorism or anything else. So we kind of need a system developed where we're sharing all of our water

somehow, some way, and structured that way. Does that
make any sense?

BOARDMEMBER RAISBECK: Yeah, Ginny, I agree
with what you say. It's simply that historically I
see that Upcountry has been shorted in favor of
Central Maui and it's the growth in Central Maui that
has made us hit the wall on the Iao. So to solve that
by taking away an emergency supply for Upcountry,
which is what it, you know, has been as, I don't think
makes sense to me.

[Ed Kushi arrived.]

CHAIRMAN HIRANAGA: Yes, Ken.

BOARDMEMBER OKAMURA: One last question.

Related to this issue of development of sources for Central Maui, is that a high priority with the department? And, for example, the surface treatment plant for Iao service water. And what is our like a timetable, estimated -- how long it will take, how much water can be available.

MR. TENGAN: Mr. Chair, I don't know how this relates to the agenda item, but I always found

additional source development for Central Maui is of top priority for the department. It's one of the mayor's top priorities also. We hope to expand the Iao treatment plant by September, I believe, to provide an additional 500 to 700 thousand gallons per day. We also are counting on this connection of the Hamakuapoko wells. And somewhere in the background is ongoing discussions for development of or construction of a large treatment plant using ditch water from Wailuku Ag. And we also have a well that we're negotiating with the landowner to have drilled out

past Camp Maluhia, but that might be a couple years
away yet.

CHAIRMAN HIRANAGA: Any further discussion?

Okay. Thank you.

Moving on to Other Business, discussion and
possible recommendation for approval of Fiscal Year
2004-2005 Operating and CIP budgets.

MR. TENGAN: Mr. Chair, I will turn this
portion over to Holly, our fiscal officer.

MS. PERDIDO: If there is any other questions.

I did get word that the \$5 million for the Ulupalakua

was put back in the budget.

CHAIRMAN HIRANAGA: Actually, I should have --

I guess there is someone here that wishes to provide testimony. Tony, do you still wish to provide testimony?

TONY: No. That was what I came down to ask about. Bobby is saying we should cut it again, but no, that was what I came down to confirm.

CHAIRMAN HIRANAGA: I know you gave us a workshop and I guess you just provided us this Budget Implementation Report, Vacant Provisions. And I note

that in the Engineering Division, Civil Engineering IV has been vacant since May 2002. And just seems like this position has not been filled for a long time, so I was just wondering if you could explain to us what the difficulties are in hiring a replacement.

MS. TAKAKURA: I can answer that one. I'm doing human resources work now, too. The Civil Engineer IV position -- we actually have three vacancies. One will be filled March 1st, next Monday, but there is still two other vacancies.

The problem is people are just not applying.

They can get paid more out in the private sector.

There is no incentive to come and work for the county.

And we're kind of stuck because we can only offer them

so much according to the pay schedule. And so we just

don't have applicants.

CHAIRMAN HIRANAGA: Is there any effort to try

and increase the pay scale?

MS. TAKAKURA: I've asked the engineering

program manager to try to talk to the mayor about

getting a shortage differential because that has

occurred in the past. I don't think it's occurred recently in the past couple of years, but it is a possibility to try to get that shortage differential.

CHAIRMAN HIRANAGA: Yes, Sally.

BOARDMEMBER RAISBECK: What is the pay range for Civil Engineer IV?

MS. TAKAKURA: I can remember the hourly rate, \$26.67 starting. I don't remember the annual.

BOARDMEMBER RAISBECK: And they're paid on that?

MS. TAKAKURA: I'm sorry?

BOARDMEMBER RAISBECK: It's not a salaried
position?

MS. TAKAKURA: It is, but I can't remember off
the top of my head what it is.

CHAIRMAN HIRANAGA: About \$48,000 a year.

BOARDMEMBER RAISBECK: \$48,000 a year. And
what do they pay in the private sector for equivalent?

BOARDMEMBER HASHIMOTO: Double.

MS. TAKAKURA: At least one and a half times
that. I've heard of a case where a person was
considering it, so they just gave him a bonus to keep

them there.

MS. TAOMOTO: The Civil Engineer IV position has a range because the Civil Engineer IV versus the III is a licensed position. And so depending on the years of experience from licensure, the companies compensate. So if they are recently licensed, they qualify as a Civil Engineer IV and they are probably getting paid less than what we are offering them to come work for the county.

But if somebody like myself who has been

licensed for a while, going in private sector they would probably pay me equal or a little bit more because of the years of experience I have being licensed. And so that's the reason for the pay scale. And I believe in our recent attempts to bring somebody aboard, we were offering a pretty -- almost at the top of the pay scale, like three steps down from the top of the pay scale to come to work for the county, which I believe was a little bit more than what they offered. And like Jacky said, the company would just counteroffer with a salary increase to that employee.

BOARDMEMBER RAISBECK: What's top of the pay
scale?

MS. TAOMOTO: Top of the pay scale we are not
offering, but it was -- it's an L, and I believe it is
like about \$58,000 a year.

BOARDMEMBER RAISBECK: Thank you.

MS. TAOMOTO: Oh, \$55,000, maybe, yeah.

BOARDMEMBER VICTORINO: Let me ask you this
question. Isn't there, from what I've been told at
the University of Hawaii, a shortage of engineers all
around? Even students going into engineering right

now, there is a tremendous shortage. And then much of the engineers in engineer classes throughout the Mainland are many foreigners that are coming from India, from Taiwan and other areas. I've done some studies on this and we are -- American youngsters are not getting into engineering. And that's a fact. And those that are getting into engineering in many of the colleges are foreign students and sometimes with visa restrictions and all that, it makes it very difficult because when they're done, some of them are forced to go back to their countries because of the problems.

So there's an acute shortage continually growing within the engineering field.

So what they're saying is not something unusual because it's been ongoing throughout the United States. You go to many municipalities, they're having the same problem. And in the private sector because they're short, they can offer what they want. We cannot because of a restriction by policy or by ordinance, right? So that's where our problem really lies. Mean, I understand they have been trying.

But until the shortages is met, and I don't know where it be, we will continue to have this problem. We will continue.

MS. TAKAKURA: Yeah, there is a shortage across the state. And I believe there is also shortages on the Mainland. And we've advertised for about four years I think consecutively on our Engineer IV position because we've always had a vacancy. And we luckily got one out of this last advertisement. And there were only two from the outside who weren't working for government and we got one of them. And so

we were fortunate to get that one person.

But, you know, I know almost all the engineers in our community and, you know, those that are not working -- the majority of us work for government already. And so there is not many to recruit from in the private sector that are licensed. I mean, not even unlicensed engineers. There is no one moving back to Maui or, like Mike said, there is no one graduating that can fill our vacancies. So it's across the nation.

MR. TENGAN: Mr. Chair, it needs to be

mentioned that while we're adding on one engineer, we just lost one a couple weeks ago.

CHAIRMAN HIRANAGA: Yes. May I ask who that engineer was? Just for curiosity.

MR. TENGAN: Could I tell you aside from the meeting?

CHAIRMAN HIRANAGA: Sure. Any other discussion regarding the Fiscal Year budget? Yes, Ginny.

BOARDMEMBER PARSONS: I want to thank you for putting back the funds. But I would also like to

suggest that since that did happen and we didn't -- we didn't really have any capacity prior to the budget being reviewed and the director slashing the funds, that I understand -- I've heard, I don't know if you all watched the Planning Commission on Sunday, but their concern is when we slash funds and we don't incorporate our decisions with what they have already decided to review and approve, that maybe it would be advisable if we had a workshop with Planning and the board and the department heads and talk about what

they have upcoming and what our budgets look like and where our CIPs are and where our focus is and give them kind of a -- have an exchange of information. And if you could maybe scheduled something like that, if everybody is in agreement we do a workshop with Planning and we can hear what they have got on the agenda and what we've got on the agenda and see that we're all meshing.

BOARDMEMBER RAISBECK: I strongly endorse that suggestion because I think it's crucial that we move more toward cooperation with Planning so that water

planning and land use planning are hand and glove

instead of being totally divorced, which has been the

case in the past. So I hope Ginny's suggestion will

be taken up.

BOARDMEMBER PARSONS: I would like to see this

be a full working day even with lunch brought in

because I know it's going to be a long session. I

know how their meetings go and I know what ours look

like. So if we could plan it for a good portion of

the day and knock out a lot of things. Maybe this is

something we could do on a biannual basis.

MR. TENGAN: Who's requesting this?

BOARDMEMBER PARSONS: The planning department
discussed it at their last meeting.

MR. TENGAN: The planning department or
Planning Commission?

BOARDMEMBER PARSONS: The Planning Commission.
To do a workshop.

MR. TENGAN: If they want to spearhead that
workshop, we will be glad to participate.

CHAIRMAN HIRANAGA: Any other discussion
regarding the budget? May I have a motion for a

recommendation?

BOARDMEMBER VICTORINO: So moved.

CHAIRMAN HIRANAGA: What do you recommend?

BOARDMEMBER VICTORINO: I'm sorry, that we
accept the -- or that we recommend the 2004-2005
budget for capital improvement and -- excuse me, the
2004-2005 Operating and CIP budgets for the department
of water.

CHAIRMAN HIRANAGA: You recommend approval?

BOARDMEMBER VICTORINO: Well, recommendation.

Because we can't approve it, right?

CHAIRMAN HIRANAGA: We recommend approval.

BOARDMEMBER VICTORINO: Okay. Recommend the approval.

BOARDMEMBER HASHIMOTO: Second.

CHAIRMAN HIRANAGA: Okay. Any discussion?

BOARDMEMBER RAISBECK: Yeah, despite the very clear presentation the last time, I don't really feel I understand the budget in terms of are we truly meeting our necessary priorities or not. But I will be willing to vote for the budget because I know it

will be gone over extremely thoroughly by the budget committee on the County Council. So I will vote for it, but I don't feel I understand it really well.

CHAIRMAN HIRANAGA: Any further discussion?

All in favor of the motion to recommend approval of the Fiscal Year 2004-2005 Operating and CIP Budget, please so indicate by saying aye.

VOICES: Aye.

CHAIRMAN HIRANAGA: Opposed?

[No response.]

CHAIRMAN HIRANAGA: The motion is carried.

I would like to now return back to Unfinished Business. Communication 04-01, letter from Jimmy Muschietti for Anthony and Roxanne Marterie regarding application for water meter upgrade. I'll have the director -- do you wish to add anything to your staff report?

MR. TENGAN: At the last meeting there was concern because one of the pages in this staff report was missing and we have provided a page that was missing in the handouts.

BOARDMEMBER RAISBECK: What's the number of

that page, George?

MS. TAKAKURA: It's page 23. Mr. Chair, I'm going to ask Herb Chang to go over briefly what's covered on page 2.

MR. CHANG: At the last meeting since then we provided page 2 which take a look at the questions that were asked previously whether the letter was sent out to offer a meter within a 30-day notice to respond to accept the meter was included in the letter. And so the letter that has been provided at this meeting

does show that the 30-day period was proclaimed.

This letter is fairly complicated because

there were three building permits, one for a dwelling,

another for an ag building, and a third for a garage.

And so the requirements for the dwelling is a little

different from the ag building and the garage because

of the prior rules and regs of the department. The

first and second dwelling is exempt from fire

protection so the requirements for dwelling permit

does not include anything for fire protection, while

the ag building and the garage permits includes fire

protection requirements. So that's why it's a fairly long letter and not quite the generic letter that we send out. That's in summary, that's on the second sheet.

CHAIRMAN HIRANAGA: Thank you. Any questions for the staff? Yes, Ginny.

BOARDMEMBER PARSONS: When was the return receipt requested certified mail received?

MR. CHANG: I believe February -- staff report -- somewhere around February. February 11th.

BOARDMEMBER PARSONS: Does that sound about

right?

MR. CHANG: Yeah.

BOARDMEMBER PARSONS: Did you respond right
after that?

MR. MUSCHIETTI: Yes.

CHAIRMAN HIRANAGA: Any further questions for
the staff?

BOARDMEMBER RAISBECK: I wasn't present at the
last meeting when this was gone into for the first
time, but I did read the minutes and it seemed to me
that our rules and regulations are so understandable

and Mr. Muschietti didn't receive really the kind of help he needed from the department to understand what his obligations were. And at least according to the minutes, he made many, many attempts to contact Herb Chang and Herb Chang would not call him back and so on and he tried to reach other people in the department. And I don't think we should be -- we should feel that -- I don't think our department is user friendly in that sense. The regulations are too difficult for most people to understand. And if you don't have help

within the period that you're looking for help in,

you're going to unknowingly exceed a time delay.

So I think the whole problem of our rules and regulations hasn't been addressed by us and it's in a way our fault for not making sure that the rules are clear, the rules are understandable, and citizens are given sufficient help to abide by the rules. Thank you.

BOARDMEMBER OKAMURA: Mr. Chairman, I think the last time we were holding up a decision because we didn't have page 2. We had page 2 and 3 in our

booklet. And in this letter to Mr. --

MR. MUSCHIETTI: Mr. Marterie is my employer.

BOARDMEMBER OKAMURA: Anthony Marterie, it

says in the second sentence says the rule requires you

to complete the following within 30 days of the date

you received the certified mail. And this is dated

January 30th. And the last time the gentleman here

brought up the rules regarding extension of time and

one of the things that he brought up was that if it's

clearly shown to be the result of excusable neglect,

then, you know, the extension can be given or should

be given by the director -- allows the director, not necessarily the board, but the director to give the extension. But since it's written pretty clearly on page 2, I don't feel it makes up excusable neglect, you know, for the director to give it. So I think the director was correct in not allowing that. Thank you.

BOARDMEMBER VICTORINO: Any other discussion on the matter? Yes, Ginny.

BOARDMEMBER PARSONS: I'm not quite clear. If he responded within 30 days and he had questions about the reservation and he wasn't given information about

the reservation properly, that's where the difference is. It's not so much that the rule requires him to complete the reservation within 30 days from the date he received the certified mail. He responded, he had questions. If he didn't have the questions, he could have completed the reservation. We have to provide the answers in order to make this work. So you can't penalize somebody for asking questions. I mean, you want me -- this is like if you said here, I'm going to give you this and I give you the money for it but I

got a couple questions and it was a bad sale.

BOARDMEMBER VICTORINO: Ken, you want to
respond? Go ahead.

BOARDMEMBER OKAMURA: The questions weren't
asked, but the department has no record of any
telephone calls from Mr. Chang or I guess Mr. Chang
might be able to correct us, but it doesn't seem like
it was done in a timely fashion and that these phone
calls came much later. The department has no records
of any phone calls from Mr. Materie to Mr. Chang.

BOARDMEMBER PARSONS: Well, I'm not -- don't

want to call either one of them liars, okay, and I'm not -- and I know how busy Herb is. And Herb, you know, if Herb says he may have gotten a call, there is a possibility he got a call, you know, that should be enough. I mean, it's our fault we don't monitor phone calls. And if we want to institute that, that's fine.

But if this gentleman tells me he's called the department -- and we've had other complaints where people haven't been serviced properly, so there is some history here. We can't hold this against him. I mean, as far as I'm concerned, he got the notice, he

made some phone calls, he had some questions, he wasn't properly handled. And not necessarily to the department's fault here. It happens to -- just happens -- so much going on and so many things with floor space and everything else, things can fall through the cracks and it's the squeaky wheel that gets oil and the way Maui works and always has worked is it's kind of more laid back. And not that we should be, but it is. And that's how somewhat the way the department is, but they're inundated. So there has got to be a balance here.

MR. CHANG: Can I say something? I would just like to make the board aware that the Engineering Division is [inaudible] by Herb Chang. There are four other engineers in the upcountry areas including the engineering program manager. If an individual in the public cannot contact me, there are other avenues of getting their job done. And I have instructed my subordinates to give priority to people on the private list. Any questions, I'm not around, you take the message, you give me a memorandum of what happened.

Please be aware of that.

BOARDMEMBER PARSONS: That's good. And that policy has been in effect for?

MR. CHANG: Since we've been offering meters on the private list.

CHAIRMAN HIRANAGA: Any additional questions for the staff?

BOARDMEMBER HASHIMOTO: I kind of agree with Kenneth that it says complete the application within 30 days. If I were in his position and, you know, we know how hard it is to get a water meter, I would send

it in even if it wasn't complete, right? If it wasn't complete and he sent it in, you would tell him what he needed to complete, right?

MR. CHANG: We would extend -- whatever estimate is in error, we would work and allow extensions, give more time.

BOARDMEMBER HASHIMOTO: In that case I would make sure and get it in whether or not it was complete or, you know. And then if you send the application in, ask questions and then we get it resolved. But.

CHAIRMAN HIRANAGA: At this point what I'm

providing is an opportunity to ask questions to the staff, not to state positions. Because we still have to allow Mr. Muschietti to make his presentation. So we're looking for questions as to what the staff has provided, it's not to make position statements. Okay.

Are there any more questions for the staff? Okay.

Mr. Muschietti.

MR. MUSCHIETTI: Thank you very much. In regard to what Mr. Chang just said, I was never told that there was another person that I could talk to. I was told that when you're dealing with upcountry

water, this is the man you talk to. So otherwise I would have gone.

And as I stated in the last meeting, out of frustration I did go to Alan Murada and asked for some help and he did assist me in getting to Mr. Tengan to get a question answered about the Smith development on a separate issue.

I would like to take the board's time for a second to refer you to the minutes of the last meeting, January 29, 2004. And we're sitting here

making the significance of page two and the 30 days,
but right there I state that the letter said we had 30
days. I volunteered that, that we had 30 days. I
knew that. But I also said that it was confusing for
me and I didn't understand the process and I needed
help with it and I was asking for help.

Furthermore, in your minutes on the next page,
page 13, when Mr. Chang is speaking, he refers to our
engineer, Wayne Arakaki, has having handed in
regarding what you said a partially filled out form,
which was not done complete and had to be redone. So

I think that we were doing it. We were doing everything we could do to meet whatever we felt the board asked of us to get this upgrade. And it was a lack of communication that I think happened. And I take fault because I think I was too informal in leaving phone calls and I had no idea of how busy Mr. Chang was. I should have written something very formally. But I tended to try to take more of a what I thought was a Maui style, you know, just laid back, relaxed, it's going to happen, and don't push.

And I will refer again to -- you know, I think

it was -- there were some errors made, innocently, and

I would just ask the board approve it and let us get

on with this.

CHAIRMAN HIRANAGA: Questions -- are you done?

Have you completed your statement?

MR. MUSCHIETTI: I'm not sure, to be honest

with you. The last it was in Mr. Arakaki's hands.

CHAIRMAN HIRANAGA: No, your statement now.

MR. MUSCHIETTI: Oh, my statement now? Yeah,

finished.

CHAIRMAN HIRANAGA: Any questions for

Mr. Muschietti? Yes, Ken.

BOARDMEMBER OKAMURA: Thank you.

Mr. Muschietti, when did Mr. Arakaki turn in the
request for extension?

MR. MUSCHIETTI: I don't know. End of July
1999.

CHAIRMAN HIRANAGA: 1999? Or 2000?

MR. MUSCHIETTI: 1999.

CHAIRMAN HIRANAGA: Was the extension for
what?

MR. CHANG: These permits were applied for
1994, so I guess there's some -- it was applied
through the -- plan review waiver, I believe.

MR. MUSCHIETTI: Yes.

MR. CHANG: So as part of the process, the
Certificate of Occupancy was needed to finalize the
project. I believe -- my guess is Arakaki was trying
to do something to achieve those Certificate of
Occupancies back in 1999.

CHAIRMAN HIRANAGA: Does that answer your
question, Ken?

BOARDMEMBER OKAMURA: My question was,

Mr. Muschietti, you said that you tried to make

contact with the department, you tried to call

Mr. Chang, and you had Mr. Arakaki do an extension

request for you. My question was when did you make

those calls to Mr. Chang and when did you ask

Mr. Arakaki to turn in the request for extension of

time?

MR. MUSCHIETTI: Well, Mr. Arakaki, whenever

he took it probably back a couple years ago when he

handed it, so I didn't, you know, I'm just -- I'm the

landscaper up at the place --

BOARDMEMBER OKAMURA: But you got the notice

--

CHAIRMAN HIRANAGA: I think there is some

confusion here. He's asking you when did Mr. Arakaki

become involved in the water meter request.

BOARDMEMBER PARSONS: You know, I can see the

confusion here because he has already put a

reservation in by his first request back there. And

that could be confusing -- it doesn't say that you

have to reapply; it says you have to have a reservation in. And that would be confusing.

CHAIRMAN HIRANAGA: Thank you, Ginny. What we're talking about is from January 30, 2003 on. When did Mr. Arakaki become involved --

MR. MUSCHIETTI: As far as I know, before that. He made a request far before that. It was an ongoing process.

CHAIRMAN HIRANAGA: On the building permit application or on the water meter?

MR. MUSCHIETTI: On both. Because he knew

that we needed to upgrade the meter. He had done the report, filled out the form and said that we had to upgrade our meter. And that was quite a long time ago. And then he started that process.

CHAIRMAN HIRANAGA: But the department was not issuing meters for upgrades during that time.

MR. MUSCHIETTI: I think he just applied. He went out and asked for it and they were accepting applications. That's all I know.

BOARDMEMBER RAISBECK: Mr. Chairman, may I --
Clark pointed out that on page 19 of our packet, it

says that the request for a time extension was
December 11th, 2003 for -- the property owner had 30
days to accept the meter offered. The deadline was on
March 13th, 2003. The November 2003 request by Wayne
Arakaki for time extension was also denied.

So this was happening -- the request for
extension by Mr. Arakaki was November 2003.

CHAIRMAN HIRANAGA: For the water meter
reservation.

BOARDMEMBER RAISBECK: And this is why I say

our rules are not clear. What other reservation was applied for?

CHAIRMAN HIRANAGA: We're talking about building permits. That's the confusion. We're not talking about building permits. We're talking about water meter reservations.

BOARDMEMBER PARSONS: The difference is as reservation we decided earlier this year or late last year was a reservation was a paid check, versus an application or a request. But we determined that well after these letters were processed. That was always a

confusing statement. That was when Jane was in here one day and we were talking about the difference between reservations and requests. And it was totally unclear.

If this isn't a hardship on the department and we've got -- I mean, let me ask one question. Has anybody else been late with their reservation, anybody at all, and we've still given them their meters? Paid -- I mean, 30 days after they received their certified return receipt, we know that it did and they paid within 30 days. Has anybody been beyond that 30-day

payment process? And think about this because this is going to be a very important question.

MR. CHANG: I can answer it this way and maybe hopefully it answers your question. We have several occasions where we've sent out the letters offering meters which gives them 30 days to either -- depending on the situation, some might be reserve, some could just apply for a meter and get the meter installed. There are several occasions where for some reason the applicant was off island or had some difficulties -- like in one instance this lady had to go to Honolulu

because her son was supposedly kind of kidnapped, so on those unusual circumstances the director usually would consider the situation and say yes or no. So that answers the question about whether we extended the 30 days.

But as far as reservations, the process is either you accept the meter within the 30 days which would be replying to the reservation, or if the meter is ready to be installed, payment of and having the meter installed. That's kind of like independent of

the 30 days.

BOARDMEMBER PARSONS: So the answer is yes,

there have been people that have paid after the 30-day

notice was up.

MR. CHANG: Because we gave them an extension.

BOARDMEMBER PARSONS: Because we gave them an

extension for whatever reason. But otherwise

everybody else that's received a letter that wants a

meter has paid within that 30 days.

MR. CHANG: Or denied.

BOARDMEMBER PARSONS: Or denied.

MR. CHANG: Or didn't responded, we would send them a letter saying that you didn't respond, therefore you had your chance.

BOARDMEMBER PARSONS: Right. I'm not talking about response; I'm talking about people that have responded and we haven't sent out denial letters, everybody has been within that 30 days. Other than the few exceptions, but that yes, there has been exceptions.

MR. CHANG: Yeah, they applied within the time period.

BOARDMEMBER PARSONS: So it's a matter of how much those exceptions weigh in the balance of justice.

CHAIRMAN HIRANAGA: Any other questions? Yes, Ken.

BOARDMEMBER OKAMURA: So the missing page, page 53, it says the rules require you to complete the following within 30 days of the receipt of certified mail, complete the application for water service and application for water service. You have four items there. Mr. Chang, did you get any -- receive any of those items within the 30 days?

MR. CHANG: I didn't see anything come in.

BOARDMEMBER OKAMURA: Would you know about
when you received these items, if they were turned in
at all?

MR. CHANG: Could you repeat the question?

BOARDMEMBER OKAMURA: Did you receive these
items later on?

MR. MUSCHIETTI: No, I have not received.

CHAIRMAN HIRANAGA: Herb, on the exceptions
that you indicated occurred, is that your call or is

it the director's call?

MR. CHANG: Initially it was referred to the director. And then the engineering program manager started to make some of the decisions. I referred them all to either the director or the unit program manager for extensions.

CHAIRMAN HIRANAGA: Yes, Ginny.

BOARDMEMBER PARSONS: What currently exists is in this file -- because you review everything that goes over. What currently exists in this file right now?

MR. CHANG: The final consists of copies of
the building permit applications.

BOARDMEMBER PARSONS: Permit applications for
what?

MR. CHANG: For the dwelling, the ag
structure, and the garage. And whatever else
correspondences we had. I think one of them was that
Arakaki thing about the meter size. Determining the
size of the meter required which is back in I think
'99. Extension requests from Arakaki.

BOARDMEMBER PARSONS: Can I ask a question?

In 1999, did we have a formal application that was filled out for water meters?

MR. CHANG: I believe it was a response to our letters concerning initial applications which were in 1994. We had asked that these structures probably had water fixtures so we probably needed to determine whether existing meter had the capacity. So one of the requirements or requests information from the applicant was to provide domestic calculations which would show whether the existing meter had the capacity to serve this new structure with the water fixtures.

So that response from Arakaki in 1999 which had some additional errors -- addition errors. So we said please have these things corrected. And based on the numbers, Arakaki showed that the meter was adequate. But then again the numerical mistakes, we weren't sure so we sent it back.

BOARDMEMBER PARSONS: Do we consider that an application at that time, though? Was that an application for a meter? Because I don't remember seeing a -- I don't remember seeing an actual water

meter application that we -- because I know a lot of times people would just call in and ask for meters and then we would send them that worksheet. Was that the way a lot of it was processed in the past?

MR. CHANG: For permits, we normally have the water meters sizing worksheet given without the application for water meters. And then DSA, which was part of LUCA, they kind of helping the department by having those forms available to the applicants now. So they have -- the applicants nowadays have the board before they even contact the department.

BOARDMEMBER PARSONS: That's just a recent --

MR. CHANG: Right.

BOARDMEMBER PARSONS: I'm wondering if maybe

Mr. Arakaki felt that he had done that application at the time because that was the worksheet and that was what was used and he felt he'd already done an application. I mean, I don't know, it's just a possibility.

MR. CHANG: Chronologically speaking though, looking at it chronologically, 1999 and 2003, there is a time gap, so I don't know if Mr. Arakaki had the

vision to --

BOARDMEMBER PARSONS: To think back there?

MR. CHANG: To assume that by sending his calculations in that this is going to be -- can be used for as a application for water service. I don't think so.

BOARDMEMBER PARSONS: If we accepted it then.

I mean, if at that time we were accepting that as a possibility for application rather than -- not everybody was filling out formal applications I guess is what I'm trying to get to in the past. We don't

always have. Sometimes it's just a worksheet. Now we're getting more into the application forms. I mean, we have. It's just been easier. But in the past -- and I know a lot of guys that I talked to, you know, even the contractors aren't really even aware of what our procedures are when they're putting in new service. And, you know, I call you all the time and say what do I have to do here. We look up the TMK. So confusion can be a big part of it. Our rules and regs just haven't been there in the past and they're

not here -- they're just now getting to the point

where we've moved with computers into the computer

age. But it could be confusion on the part of

everybody in there.

And like Mr. Muschietti said, they are -- our

laid back -- our laid back Maui attitude has just been

the way it's been and we shouldn't penalize somebody

for not having the knowledge.

CHAIRMAN HIRANAGA: Yes, Ken.

BOARDMEMBER OKAMURA: I don't think we're

penalizing anybody. I think we're just trying just

trying to be fair. We're just trying to be fair and, you know, make it fair for everybody. So some rules are written, give us clear what the deadlines were.

CHAIRMAN HIRANAGA: Yes, Clark.

BOARDMEMBER HASHIMOTO: Well, I feel Wayne Arakaki -- this is not the first -- whatever it is, building permit -- it's not the first -- we've seen him numerous times and I'm sure he knew what he was doing. So I don't know if it was his error or whatever, but you know, it slipped through the cracks. So, you know, like Ken -- I agree with Ken.

CHAIRMAN HIRANAGA: I think once this second page was provided to us, I think the sentence, "The rule requires you to complete the reservation within 30 days from the date you receive the certified mail." It's quite clear. If you've been waiting 12 years to get your water meter and you receive a letter like this, sure you can call. But if you don't get a call back in a couple of days, I personally would go down there, locate Mr. Chang. If he's not there, sit in his office until the end of the day. If he does not appear, then I would ask to see his superior and I

would not leave that building until I met someone to formalize the process.

It's quite clear you have 30 days upon receipt of this letter. I understand it. If it's that important, I would make it my most important thing until it's accomplished and I would make contact with somebody to get the process going. Just say well time has gone by, make some calls, didn't get a call back -- personally, I don't see that as being justifiable reason for granting of an extension.

I believe the department needs to be able to move forward because there is a limited capacity -- limited number of meters that can be issued and they need to be able to draw the line and say okay, this individual is no longer qualified to receive a meter so we can move on to the next person. And they shouldn't have to be looking over their shoulder wondering if someone is going to come back later and say well, I really want a meter.

I believe the director has discretion in hardship cases to make those calls and not everyone

will agree with his decision. But it is, you know, at the discretion of the director he's going to provide relief.

BOARDMEMBER RAISBECK: I can't really agree with that. And I don't think the fact how you would behave is really relevant to the average person because you have a much greater knowledge of bureaucracy, of the water department, of county regulations, of real estate regulations. The average person does not have that. And I think I will sympathize with Mr. Muschietti because I think average

people should be able to go into the water department,
to read the letters from it. And in a three-page
letter of complicated verbiage, it's not even
capitalized, "You must return this within 30 days."

I'm inundated in mail and I have trouble reading fine
print. And I don't feel that the department is
sufficiently user friendly. And therefore I would
give the benefit of the doubt to Mr. Muschietti.

BOARDMEMBER VICTORINO: Mr. Chair? Is there a
possibility we make a motion so that we can move on in
this matter? I mean, I know discussion can't be made

after a motion is made, but is there is a possibility
of making a motion at this point?

CHAIRMAN HIRANAGA: If no objection, I'll open
the floor to a motion.

BOARDMEMBER VICTORINO: If nobody going to
make a motion, I move that we recommend to the
director an extension be given to this situation, this
case with Mr. Muschietti and I don't know the other
name, there is a lot of names in here. And that due
to the circumstances that have been very vague and

confusing, I would like to see a recommendation from us to the director to approve an extension.

CHAIRMAN HIRANAGA: Is there a second?

BOARDMEMBER RAISBECK: I second.

CHAIRMAN HIRANAGA: Motion to recommend granting of the extension request. Is there any discussion? No discussion. I'll call for the vote. All in favor of the motion, please so indicate by raising your hand. Let the record show Ginny and Sally vote in favor.

Those opposed? Clark and Kenneth vote in

opposition. And assuming Mr. Victorino, you're

abstaining?

BOARDMEMBER VICTORINO: At this point I'll

abstain.

CHAIRMAN HIRANAGA: Abstain is a yes. So we

have three yes's and two no's, so the motion fails to

carry.

BOARDMEMBER PARSONS: What?

CHAIRMAN HIRANAGA: Fails to carry.

BOARDMEMBER PARSON: Why?

CHAIRMAN HIRANAGA: We need five votes.

BOARDMEMBER PARSONS: May I make a

recommendation?

CHAIRMAN HIRANAGA: Motion to recommend?

BOARDMEMBER PARSONS: I'm going to make a

recommendation from an advisory standpoint. I would

like to -- if it has to be a motion form, you can tell

me if it needs to be a motion form or not.

CHAIRMAN HIRANAGA: You want to make a

comment?

BOARDMEMBER PARSONS: I would like for the

board to advise Mr. Muschietti that he does have the

mayor that he can go see. I mean, let's give him that opportunity to go take this issue to the mayor since it was such a close vote.

BOARDMEMBER HASHIMOTO: This is just a recommendation.

BOARDMEMBER PARSONS: Yeah, that's what I mean. I didn't think it had to be a motion.

CHAIRMAN HIRANAGA: Anyone else wishes to make a motion?

Mr. Corporation Counsel, if the board refuses

to make a motion on an agenda item, is that -- becomes

filed or what happens to it?

BOARDMEMBER RAISBECK: Excuse me, Mr. Chair.

We did make a motion on this.

CHAIRMAN HIRANAGA: But it failed. So what

happens -- it gets tabled or filed or -- or is that --

so there is no recommendation.

MR. KUSHI: Well, Mr. Chair, the item still

remains on your agenda. There is no action approving,

disapproving, or filing the matter. So it kind of

just hangs there. At this point there was a motion to

recommend approval. I would suggest either a motion to file or a motion for disapproval. And then you would dispose of the issue. If not, it stays on your agenda in terms of correspondence at this point in time.

CHAIRMAN HIRANAGA: Thank you. Yes, Ginny.

BOARDMEMBER PARSONS: Can we make a motion to recommend that this be sent to the mayor for review? Since we're at a stalemate.

CHAIRMAN HIRANAGA: I don't know if that's the right question.

BOARDMEMBER PARSONS: Can we make a motion to

send it to the mayor, Mr. Kushi?

CHAIRMAN HIRANAGA: Motion to make a

recommendation to the mayor? Is that your question?

BOARDMEMBER PARSONS: Can we make a motion to

recommend that this issue be presented -- this matter

be presented to the mayor by the department.

CHAIRMAN HIRANAGA: I believe Mr. Muschietti

can make an appointment if he wishes with the mayor to

discuss it directly with him, but I don't know if

we're able to make that type of a recommendation.

MR. MUSCHIETTI: Could I ask you a question?

The appeal process -- two months ago I left a check for \$300 with the water department, asking for an appeal and I've heard nothing to this date. What is that about? There has been no response at all to that. I left it with the secretary with a letter.

CHAIRMAN HIRANAGA: Does the department wish to respond to that question?

MR. TENGAN: Seems to me that our position is that, you know, this item isn't finalized for appeal.

CHAIRMAN HIRANAGA: I'm sorry, could you

repeat that?

MR. TENGAN: Doesn't seem to me that the item

has been finalized for appeal.

BOARDMEMBER RAISBECK: Mr. Chair?

CHAIRMAN HIRANAGA: Yes, Sally.

BOARDMEMBER RAISBECK: What would it take to

finalize it for appeal?

MR. TENGAN: Well, for the board to make a

recommendation and for the department to respond on

the recommendation.

BOARDMEMBER RAISBECK: Mr. Chair, we have not been informed by the department that the gentleman asked for a formal appeal and deposited \$300 to -- we have not been informed of that. How can we make a recommendation?

CHAIRMAN HIRANAGA: I believe what the director is saying is that he's waiting for an official recommendation from the board and then he will make his final determination on Mr. Muschietti's request and if Mr. Muschietti is unhappy with that final determination, then the appeal process will

commence.

BOARDMEMBER RAISBECK: That is not the way the process works, according to my understanding. If he asks for an appeal, he has a right to a formal process and that's the reason for the \$300 fee because it's a very -- and what we have had so far is not in my opinion the formal process called an appeal. And for the director to say he hasn't made a final decision, I think the letters denying him an extension of time are a decision that can be appealed.

BOARDMEMBER PARSONS: I also don't think that

we can hear the appeal. I think the appeal has to go up to the higher powers.

BOARDMEMBER RAISBECK: I think that's where our year delay in getting final rules is again creating confusion. But I am willing to make the assumption that we have the power to hear an appeal and issue a recommendation.

CHAIRMAN HIRANAGA: Well, Sally, rather than assuming that, why don't you pose the question to corporation counsel?

BOARDMEMBER RAISBECK: Well, Mr. Kushi, are we

still allowed to process appeals under the formal

appeal process?

MR. KUSHI: Please clarify that question as to

-- you have two appeals processes. One is an appeal

contain in Subchapter 8 basically saying that any

decision of the director can be appealed within 30

calendar days, et cetera, et cetera. And this is in

Subchapter 8, Section 16-102-76. As I understand it

-- let me finish -- the applicant did not specifically

request nor state that section.

My understanding of this matter is that

because it involves the upcountry water system

issuance rule, he is coming before the board under

Section -- one minute, Mr. Chair.

Yes, Mr. Chair, under Section 16-106-08, this

is contained in your rules under the water meter

issuance rule for the upcountry water system. And in

essence it states waiver or modification. The board

by a two-thirds majority vote may waive or modify the

requirements of this rule based on certain criteria.

And this is contained in your water upcountry water

system rules. So I view this proceeding, if you want to call it, understand that section.

Now again, the charter amendment divested this board of any direct decision-making process. However, the rules still provide for an appeals procedure to the board and I feel and it would be our opinion at this point in time under both sections you can still have the appeal but the decision would be a recommendation to the director.

Now, the only other avenue, if it involves a subdivision, is for the applicant, if he wants to

appeal the decision of the director on the subdivision matter, to go to the Board of Variances and Appeals. Then that board can overrule the director's decision as well as the public works director's decision on subdivision matters. This is not a subdivision, as I understand.

BOARDMEMBER RAISBECK: Mr. Chair.

MR. MUSCHIETTI: Yes, Sally.

BOARDMEMBER RAISBECK: I know that before I was on the board, the board voted to raise the fee for

an appeal to \$300. I wasn't on the board then. Which of these appeal processes has a \$300 fee attached? Or do both of them?

MR. KUSHI: I believe it's the first section, the generic appeals of director's decisions. So to cut to the chase, if the applicant -- if Mr. Muschietti or his lawyer had paid \$300, I would recommend that we give it back because I don't see this appeal being under that section.

BOARDMEMBER RAISBECK: I think it is clear to me that our rules are so involved and so much in

question that it's very difficult to be fair to people under our rules. And I believe that in the rules, which I don't have with me today, there is a very formal process that is very similar to the standard contested case procedure that all the boards have a section in their rules about contested case procedures. It's a very formalized kind of thing.

And I think any citizen should have the right to have that process available to them and it shouldn't be a decision by Mr. Kushi that under Section 8 something or other, Mr. Muschietti has no right to use that

process and we should give him his money back. I don't hold with that at all. I think it's a vast infringement of the rights of ordinary citizens.

So I will make a motion that this matter be deferred to next month and that at that time we receive a definitive report about Mr. Muschietti's rights to have a formal appeal process by us. And that way Mr. Kushi can give us more clarity about our right to hear an appeal under the segment of our rules which he has said in the past are still valid.

MR. MUSCHIETTI: I have a question for the

board.

CHAIRMAN HIRANAGA: Is there a second to this motion?

BOARDMEMBER PARSONS: I second.

CHAIRMAN HIRANAGA: Discussion.

BOARDMEMBER RAISBECK: Well, as maker of the motion, I will say that to be a stickler about some aspect of rules and then really roll over the basic rules that give people the right to appeal is not fair. It's just plain not fair. And by deferring it

and discussing it again next month, we will be able to have the time and Mr. Kushi can have the time to give us a definitive answer about whether the appeal process is proper. And I have all kinds of questions like why did the department take the \$300? Why? I mean, I need some clarity on all of this and I don't think necessarily today I'm going to get that clarity. So I urge the board to defer this and to consider it again next month. Thank you.

CHAIRMAN HIRANAGA: Any further discussion?

BOARDMEMBER PARSONS: And in the meantime,

because I agree with -- I totally agree with Sally,

I'll second the motion in that in the meantime make an

appointment with the mayor, take the issue to the

mayor. And who is your counsel representing you?

Where are you, Kula? Charmaine? Go see Charmaine as

well. Go lobby counsel.

CHAIRMAN HIRANAGA: Ken?

BOARDMEMBER OKAMURA: Is there a deadline to

apply for an appeal? Because I can see like the

Section 16-102 -- extension of time, that would be in

reference to appeals that there is a deadline -- or

what does that extension of time refer to? 102-17.

MR. KUSHI: Board member, what section was
that?

BOARDMEMBER OKAMURA: 16-102-31.

BOARDMEMBER VICTORINO: What page?

BOARDMEMBER OKAMURA: 102-17.

BOARDMEMBER PARSONS: We accepted the money,
so I'm not sure how that applies with --

BOARDMEMBER OKAMURA: I'm just trying to find
out -- ask the question.

BOARDMEMBER PARSONS: Who did you turn the

money in to?

MR. MUSCHIETTI: To the secretary, Geri. And

I received a letter back from Mr. Tengan saying, "To

answer your inquiry, pursuing an appeal to the

director's decision to deny your request, you may

pursue your request with the Board of Water Supply.

Please be aware the Board of Water Supply reviews and

acts on issues in an advisory capacity to the

Department of Water Supply. The director of the

Department of Water Supply has the discretion to

accept or reject the board's recommendation. Appeals must be made within 30 days of the receipt of this letter. You will need to pay a \$300 fee for the appeal process." I went in immediately. And also did appeal to the variance and appeal board, which is \$600.

BOARDMEMBER PARSONS: I hope it's in an interest bearing account.

CHAIRMAN HIRANAGA: Any further -- yes.

MR. KUSHI: Mr. Chair, responding to Kenneth's question, 16-102-31 is entitled extension of time.

It's contained in your rules section under Proceedings
Before the Board. So that section applies to
procedures before the board. It's not so much
extensions of time for director's decisions.

CHAIRMAN HIRANAGA: Mr. Kushi, my

understanding is the director makes a decision, the
individual is unhappy with the decision so he comes to
the board for a recommendation to be made back to the
director. So once the board makes a recommendation,
the director determines if he wishes to follow that
recommendation or not, makes his final determination,

and if the individual is unhappy with that final determination, is that the time you should file for an appeal? It seems to me the process has not been complete yet because we haven't made a recommendation to the director.

MR. KUSHI: I'll try to answer that. If it's a general decision that an applicant is not satisfied with -- forget the water meter issuance Kula rule. If it's just a general decision. Before the charter change, an applicant could appeal that decision directly to the board. And based -- and the board at

that time had powers to overrule, modify, or can
affirm that decision. And the director of the
department would just take it at that point in time.
Based on the charter change, on your advisory powers,
that doesn't work. However, the appeals procedure is
still in force. It's still on the books. So we have
taken that position, taken our position since the
charter change that an applicant can still appeal to
you, to the board, but any decision will be
recommendation. At that point in time the department

would consider your recommendation and take it or
leave it. If he still -- if he does not change his
mind based on your recommendation, the applicant then
would have recourse if it's involved in subdivision
matters to appeal to the BVA. If it's not, he could
take it directly to circuit court.

CHAIRMAN HIRANAGA: So this appeal application
can run independent of the board's process. I mean,
what he did is correct, he can apply for the appeal
without the board making a recommendation.

MR. KUSHI: Appeal to the BVA.

CHAIRMAN HIRANAGA: I guess there is this appeal process in the rules which is what you did.

The Board of Water Supply rules provides for an appeal process which is, what he applied to. That is independent of what the Board of Water Supply is doing here. It can be done concurrently.

MR. KUSHI: I'm not sure when you say independent.

CHAIRMAN HIRANAGA: They're independent of each other. This appeal process, which is stated in the rules, is independent of what the process he is

involved right now coming before the Board of Water Supply. They're independent of each other. They're not concurring. They're independent.

MR. KUSHI: I still don't understand your question.

BOARDMEMBER PARSONS: Can I -- I think I understand what he's saying, maybe I can -- upon the director's decision, because we are only an advisory capacity, so the directors's decision is a decision. So he placed his appeal upon the decision of the director, yet the director also gave him the

opportunity to come before the board to get the board's advisory position. And what I think Ken's -- did he take the right path while he's waiting to have the appeal process heard.

CHAIRMAN HIRANAGA: But he can go down those two paths independent of each other.

BOARDMEMBER PARSONS: Right.

MR. KUSHI: Not knowing all the facts, I would say I would think so. I envision these proceedings, and it's on your -- it's on your agenda as a letter,

it's not saying appeal. It says a letter from
Mr. Muschietti. I look at this proceeding as an
appeal under the water system Kula rule, which there
is no fee required. I would imagine that if he still
doesn't have satisfaction, he could then appeal under
the generic director's decision appeal, at which point
in time there is a fee, \$300.

But again, in any event, any decision from
this board is a recommendation and I dispute the
comment that we should have a contested case hearing
because you have only contested case hearings on

agencies which issue decisions that can go directly to court. Your decision cannot be appealed.

BOARDMEMBER RAISBECK: Mr. Chair.

CHAIRMAN HIRANAGA: Yes, Sally.

BOARDMEMBER RAISBECK: I think this most recent argument illustrates clearly that we still have inconsistent rules, we have rules that are said to be in force that don't make any sense. And until we solve the problem of having some clear rules, we are going to get entangled all the time in stuff like this.

I think that Mr. Muschietti should have the ability for a formal appeals process under our rules as they exist now, whether you call it a contested case or whether you call it an appeal under the rules of the Board of Water Supply. I think he has initiated that process already by giving the department \$300 fee. I think that process has been initiated. I think it should be carried forward.

I think I would question whether the board has a right to make a recommendation not to the director, but make a recommendation to the mayor to override the

director if that's what they choose to do. It seems to me that it would be an advise to the mayor and if the director chooses to disregard the advice of the board, we can give advice to the mayor.

So I would say that it was worthwhile to go through with the appeals process in its formal dimension. And I don't think the department has a right to deny that to somebody since we're still under the rules where that is an appropriate procedure.

Thank you.

BOARDMEMBER PARSONS: So maybe we need a
motion to recommend to the director and the mayor.

MR. KUSHI: Mr. Chair, you have a motion on
the table right now.

BOARDMEMBER PARSONS: We do? Maybe modify
that.

BOARDMEMBER RAISBECK: I think I had a motion
to defer this to next month.

BOARDMEMBER VICTORINO: That's what's on the
table right now.

CHAIRMAN HIRANAGA: Thank you. Is discussion

complete on that motion?

CHAIRMAN HIRANAGA: Mr. OKAMURA is planning to return? Or did he -- he is planning to return? I'll call for a five-minute recess. Thank you.

(Brief recess.)

CHAIRMAN HIRANAGA: Call for the vote on the motion to defer.

BOARDMEMBER RAISBECK: We don't have all members present.

CHAIRMAN HIRANAGA: Okay. I would like to call for a vote. All in favor of the motion to defer,

please so indicate by raising your right hand. Okay.

Motion carries. Thank you.

MR. MUSCHIETTI: Thank you guys very much,
everybody, for your time.

CHAIRMAN HIRANAGA: Next agenda item I believe
is receipt the board member requests for agenda items
to be placed on future agendas.

BOARDMEMBER RAISBECK: Mr. Chairman.

CHAIRMAN HIRANAGA: Yes, Sally.

BOARDMEMBER RAISBECK: I will request that on
the next agenda we hear from the department about the

State Water Commission decision to restrict usage on the Waihee Aquifer to 4.0. I notice that this month, from the staff report, we used 4.175 and that's in a very rainy month. So what I would like to hear is their plans for how they are going to stay within the 18 limitation for Iao and the 4.0 recommendation for Waihee in the near future, in the coming year, how are they planning to meet those restrictions.

CHAIRMAN HIRANAGA: Thank you.

BOARDMEMBER RAISBECK: I also would like to

put an agenda item on where we can deal with this problem of rules. Perhaps in the intervening month the chair -- or I would volunteer to do it if the chair doesn't wish to, I would like to have us contact the county council water resources committee to find out what progress has been made by them in the matter of our rules. And if something is holding them up, find out what exactly is holding up the processing of changes in our rules to recognize the charter change a year and a half ago to make a little more clarity in situations like this about what rules apply and what

rules don't apply and what our powers are and so on.

CHAIRMAN HIRANAGA: Is it appropriate for the director to make that request to the council's committee of water resources? For an update? Can we request a reply for our next meeting on the status of the clarification of the rules?

MR. TENGAN: I guess I could do that on behalf of the board if the board wants me to do that.

CHAIRMAN HIRANAGA: Okay. Thank you. Yes, Ginny.

BOARDMEMBER PARSONS: I would like to request

that on this agenda -- that on the next agenda that my request last week for the cost to put the contractor's pump into Pookela well and maintain it and pull it back out be presented to us.

MR. TENGAN: Mr. Chair, if I could it as a staff report, I could give that you information now.

CHAIRMAN HIRANAGA: It's not on the agenda, though, right? Oh, staff report? When we go to division reports, you can answer that question. So we'll defer that request until we get to division reports. Ken?

BOARDMEMBER OKAMURA: I just had a point to ask. You know in regards to like our role -- in regards to our role, we're supposed to be advisory to the director and to the mayor and also to the council. So I guess we could ask the council for information and updates also as a board, just, you know, just as we ask the department for information, we could also ask the council for information. Thank you. Just to clarify that matter. Thank you.

MR. TENGAN: Mr. Chair, if I could comment on

that, I think it would be better if the requests came directly from the board.

CHAIRMAN HIRANAGA: The request come directly from the board?

MR. TENGAN: Right.

CHAIRMAN HIRANAGA: Okay. So the query to the water resource committee, you prefer that request to come directly from the board to the chairman?

MR. TENGAN: Correct.

CHAIRMAN HIRANAGA: I'll prepare something then.

BOARDMEMBER RAISBECK: And I may question that the board get carbon copies of what you sent to the chairman?

CHAIRMAN HIRANAGA: Sure. Yes.

BOARDMEMBER VICTORINO: Mr. Chair, I would like to also request that we have some kind of correspondence I guess starting from you, Mr. Chair, to the Planning Commission in that discussion earlier requesting a joint workshop. I think that we have to start it from our side requesting across the board, asking them to spearhead a joint workshop and I would

like to see correspondence from you to them requesting that so that we can hopefully in the near future schedule something of that nature.

I think all of us agree that that will be something that would be beneficial to all concerned with the development of Maui. But I think that letter would have to be starting from your side, sir, requesting that, and they can spearhead it and George can be a part of it, but I think it should start from us requesting it and then take it from there.

CHAIRMAN HIRANAGA: Are you saying I should

make a request to the Planning Commission that they spearhead a joint planning workshop with us?

BOARDMEMBER VICTORINO: Yes.

CHAIRMAN HIRANAGA: So you're not saying we invite them to participate in our workshop. You want them to initiate the process to create a workshop and we want to participate.

BOARDMEMBER VICTORINO: Or if you want to spearhead the workshop and do it from our side -- I have no problems either way. But somehow getting the

two groups together. I'm not necessarily saying the words have to come from one side or the other. If you want to spearhead it and the board from our side invite them to participate, I have no problems. Or have them -- whichever way.

BOARDMEMBER PARSONS: We're willing to participate.

BOARDMEMBER VICTORINO: Yeah. But since it was brought up in their meeting that they were very interested in doing something, I would hope that they would spearhead it. But I think something has to be

done. In other words, not let the conversation die and then two months from now it comes back up again. I think I would like to see us at least initiate the correspondence to them. Whether they want to spearhead it or we want to spearhead it, I have no qualms either way. But I would like to see something happen in a definitive matter, in other words as correspondence.

BOARDMEMBER RAISBECK: Mr. Chair, I think it doesn't have to say in the letter you spearhead it or we spearhead it. I think you merely need to request a

joint workshop with the Planning Commission and I think it should go from you as chair of the Board of Water Supply to the chair of the Planning Commission and I don't know if we suggest a time. Obviously they have the place bigger than this. So at their convenience, can we schedule a joint workshop.

CHAIRMAN HIRANAGA: I'm just wondering if the board should place an agenda item regarding this to make a recommendation to the mayor to coordinate his department heads, versus Board of Water Supply and Planning Commission. Board of Water Supply and

Planning Commission can participate, but what -- I mean, I don't see anything concrete or substance coming out of it unless the mayor coordinates with his directors. Who do we send it to?

BOARDMEMBER RAISBECK: Well, maybe we should transform it into a request to the mayor to have the department heads schedule a joint meeting of the Board of Water Supply and the Planning Commission -- you know, they have more power than we do, but we're both important bodies and we want to have a joint workshop

in which the plans for land use and the plans for water are started to be coordinated.

CHAIRMAN HIRANAGA: I'll put that on the agenda for discussion in the next meeting. That way the public will have notification. Any other requests?

MR. KUSHI: Mr. Chair, since you're on Other Business, although it's not listed on your agenda, just in terms of an announcement. First of all, I apologize for being late today.

I did submit and I believe you have some

copies of the memo to you, dated February 25th, and
it's entitled Responses to Inquiries from January
29th, '04 board meeting. And just for the record say
that we responded to the questions as posed -- as we
felt was posed in your -- proposed in your January
29th, '04 board meeting. Maybe it's inappropriate to
discuss it now, but perhaps you could schedule it for
the next meeting.

Attached to the memo is also a previous memo
dated March 4th, '03, that our office wrote to
Mr. Mateo of the Water Resources Committee and in that

memo also there was a kind of detailed discussion about the roles of the various parties including the this board, the council, and the mayor.

CHAIRMAN HIRANAGA: I want to thank corp counsel for that timely response to my requests. Are there any other requests for agenda items?

BOARDMEMBER RAISBECK: If I could suggest that the agenda item suggested by Mr. Kushi, it would be perhaps more helpful if it included not just a recital of what current practice is, but I think we also need to discuss -- well, for example, the roles of the BWS,

the Maui County Council, and the Mayor's Office. I think the discussion needs to focus on -- besides what exists at present, what directions we need to move in in order for the Board of Water Supply to be of use in giving advice. That's our duty under the charter is to give advice. Well, what do we need to change to make our advice more meaningful?

CHAIRMAN HIRANAGA: The two questions I posed to corp counsel I believe were accurately stated in his response, so that was the scope of my request for

an opinion or information. You're asking for another request for information opinion?

BOARDMEMBER RAISBECK: No, I'm just saying that I think we at sometime need to consider the question of the function of the board and what we need in order to fulfill our duty to be good advisors, to give good advice. What do we need that isn't -- I mean, for example, we need much clearer rules than we have. We need a separation between the administrative rules and the Board of Water Supply rules. What other things do we need to become effective and useful?

CHAIRMAN HIRANAGA: I guess I'm confused what
is your request. You want direction from corp --

BOARDMEMBER RAISBECK: Well, maybe make it a
separate agenda item that the board should have a
discussion about our function, are we fulfilling our
function properly; and if not, what is it that we're
lacking that we need?

CHAIRMAN HIRANAGA: I don't believe there is
any way to determine whether we are fulfilling our
function. We're nine individuals appointed by the
mayor and each person has to find their own beliefs

and that I think is the intent is to have nine diversified opinions. But to say are we fulfilling our function -- I believe we are -- if you attend the meetings and you vote, you're fulfilling your function.

BOARDMEMBER RAISBECK: Well, I think there is more of a function than attending meetings and voting. I think the function defined in the charter is to advise the mayor and advise the director and advise the council. And so far I don't see us being effective in doing those things. But that's my

opinion. But I think it's worthwhile to have it be a general discussion because what you think is one thing, what I think is one thing, but it's valuable to know what the board as -- what a majority on the board think.

CHAIRMAN HIRANAGA: Well, I believe if there is a specific issue you wish to address, you place it on the agenda, we have a discussion, and then the board makes a recommendation to whatever entity, be it the mayor, the director, or the council.

BOARDMEMBER RAISBECK: That is the issue I wish to place on the agenda.

CHAIRMAN HIRANAGA: To discuss whether we're fulfilling our role as stated by the charter to make a recommendation to one of those entities?

BOARDMEMBER RAISBECK: Yes, if we come to a conclusion, make a recommendation.

CHAIRMAN HIRANAGA: Thank you. Any other requests? Okay. Next agenda item is Division Reports.

MR. TENGAN: Mr. Chair, I report on the

installation of temporary pump at Pookela well. Alan Murata, one of our engineers who was involved with the project and worked with one of the -- with the contractor, obtained some information for us. The test pump flow was rated at 1400 GPM, which would be like close to 2 million gallons per day. I'll do a quick calculation here. Two million. At the present time there are no rigs available of this size here; therefore we couldn't install a test pump even if we wanted to at this point in time. Anyway, I'm going to assume that one is available and that it could be

installed and we could use it. And the report was very short.

The cost to install the pump and to remove it later on would be about a hundred thousand dollars.

To operate the pump it will be -- it will cost anywhere from four to five thousand dollars per day.

So on a monthly basis taking the \$5,000 per day, we would be talking about \$150,000 per month. So that's the cost that --

BOARDMEMBER PARSONS: What does it cost

normally to run the pump -- to run the pump and a

well?

MR. TENGAN: What's the elevation of the well?

About 600.

A VOICE: The elevation of this well, 1,800.

MR. TENGAN: I would say roughly -- if you take 1,800 feet, which is the elevation of the well, and you multiply that by about 30 cents per thousand gallons, that would be the cost.

BOARDMEMBER PARSONS: So about \$2,000?

BOARDMEMBER OKAMURA: It costs 30 cents per

thousand gallons to pump water how high?

MR. TENGAN: Oh, yeah. Let me correct that.

It would be 1,800 feet divided by 300, times 30 cents.

That would be for -- about \$1.80.

BOARDMEMBER PARSONS: \$1.80 per thousand and

we would pump what, about a million and a half?

MR. TENGAN: To get it to ground. And if you

pump it at 1,500 gallons -- I mean 1.5 million gallons

per day, 1500 times that \$1.80.

BOARDMEMBER PARSONS: 1,500?

MR. TENGAN: Times the \$1.80.

BOARDMEMBER PARSONS: So \$2,700.

MR. TENGAN: Per day. The rest is the amount

-- \$5,000 per day.

BOARDMEMBER PARSONS: So are we paying more
for the contractor's pump just because it's a rental?

MR. TENGAN: Right. And it involve hiring a
generator there, too.

BOARDMEMBER PARSONS: Hiring a generator also.
I see. So it's about \$2,300 a day more, plus the
\$100,000. We need to weigh that against the next
several months in upcountry and losses that may

possibly occur. It might make sense, George. I mean,

we really should take a look at this. You were at

that meeting, I gather, Sally, yeah? The upcountry

meeting? The last one. The 23rd. For the C9.

BOARDMEMBER RAISBECK: The one about the

phosphates? No, I wasn't at the --

BOARDMEMBER PARSONS: The bitching and moaning

meeting.

BOARDMEMBER RAISBECK: No.

BOARDMEMBER PARSONS: You didn't make that

one?

BOARD MEMBER RAISBECK: I didn't make that
one.

BOARDMEMBER PARSONS: I missed it, too. But I
understand -- I got the e-mails from it and they're
quite upset.

BOARDMEMBER OKAMURA: I think diluting the
water might not make a different. They diluted it --

CHAIRMAN HIRANAGA: We're not going off to C9.
We've got division reports. Thank you.

BOARDMEMBER PARSONS: We need to start

testing. That's what I'm more concerned about. We need to be proactive. And George and I have e-mailed back. We just need to get proactive in this situation and really -- this is one of the ways that we could be proactive.

CHAIRMAN HIRANAGA: Ginny, you want to put this on an as an agenda item.

BOARDMEMBER PARSONS: Yeah, could we, please?

CHAIRMAN HIRANAGA: Yes, Clark.

BOARDMEMBER HASHIMOTO: Are there transmission lines if we pump the water? Have the transmission

lines been installed?

MR. TENGAN: We would be pumping directly into the tank at Pookela well.

BOARDMEMBER PARSONS: I think if we discuss it next meeting, there are some things that could come out. Maybe we can make some decisions on --

BOARDMEMBER RAISBECK: Mr. Chair, if we could have just a one-page summary of the costs on this item for when it's on the agenda. I always like to see things in print. I don't listen well or take notes well, and I'd like to see just a one-page summary

sheet of what the costs would be.

BOARDMEMBER PARSONS: Maybe also compare it to the water lists that we have upcountry, too, how it might help to affect -- to serve, you know, even taking a moderate number of 500 families up there that might get meters once we get that on line, what is the value of that versus what -- how quickly we could get it on line. Not only the health issues but the service.

CHAIRMAN HIRANAGA: Thank you. Any other questions regarding the division reports? If not,

this meeting is adjourned.

(WHEREUPON, the meeting was adjourned at 11:35

a.m.)

"By Water All Things Find Life"

Department of Water Supply
County of Maui
200 South High Street
Wailuku, HI 96793-2155
Telephone (808) 270-7816
Fax (808) 270-7951

[\[Back\]](#)