

County of Maui Water
Supply

BOARD OF WATER SUPPLY
COUNTY OF MAUI
REGULAR BOARD MEETING
THURSDAY, MARCH 18, 2004

Kahului Shopping Center

Kaahumanu Avenue

Kahului, Maui, Hawaii

Reported by: Katherine Eismann, RDR, CRR, CSR #439

APPEARANCES

Chairperson:

KENT HIRANAGA

Board Members:

CLARK S. HASHIMOTO

MICHAEL NOBRIGA

STACY HELM CRIVELLO

KENNETH M. OKAMURA

SALLY RAISBECK

Deputy Corporation Counsel:

EDWARD KUSHI, JR.

Director:

GEORGE TENGAN

Deputy Director:

JEFFREY T. PEARSON

Board Secretary:

CATHY HOWARD

Staff:

HOLLY PERDIDO

HERB CHANG

WENDY TAOMOTO

ALVA NAKAMURA

ALAN MURATA

(Thursday, March 18, 2004, 9:03 a.m.)

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CHAIRMAN HIRANAGA: I would like to call the Board
of Water Supply meeting to order.

Present Stacy Helm, Mike Nobriga, Clark Hashimoto,

Sally Raisbeck, Kenneth Okamura.

Are there any announcements?

BOARDMEMBER RAISBECK: Yes, Mr. Chair.

CHAIRMAN HIRANAGA: Yes, Sally.

BOARDMEMBER RAISBECK: I wanted to announce that
the Council has started their budget committee hearings,
and --

CHAIRMAN HIRANAGA: Sally, could you use the mike,
please?

BOARDMEMBER RAISBECK: Oh, I am sorry. Yeah, the

Council has started its budget committee hearings. Can you hear me? And it's a good time for Boardmembers to lobby their Council people in support of our budget or to testify, even, if they want.

I think -- I think they need to hear from us about some of the issues. And they will be having them practically daily for a couple of months now.

Then the other thing I wanted to announce was I heard Ernie Lau, who is the Deputy Chair of the State Commission, at the Makena Resort Rezoning Hearing. He was called as an expert witness. And he said that they had -- the

State Commission had a proposal before the State Legislature to take -- to produce a monitoring well in the Waiakea aquifer, and he requested the Council and also all the public to lobby our state legislators to get that, the money passed for that monitor well, which is very much needed and won't cost the County anything, if the State pays for it. So, I wanted to announce those two things, Mr. Chair.

CHAIRMAN HIRANAGA: Thank you. Are there any other announcements?

Next agenda item the approval of minutes. Are there any comments or corrections to the February 19th, 2004,

Budget Workshop minutes?

BOARDMEMBER RAISBECK: I don't -- I haven't yet read the minutes of the workshop meeting, but I do have minutes -- corrections to the minutes of the February 26th, and I passed them out in written form.

I believe it should be vacant positions not vacant provisions on page 31. I definitely said that our rules and regulations are not understandable and didn't say our rules and regulations are so understandable on page -- that's on page 41.

On page 71, I believe Member Parsons said Council meaning County Council not Counsel meaning an attorney. And that's two places. And on page 71, line 24, I just question whether Jerry -- Jerry Well's name was spelled J-E-R-R-Y instead of G-E-R-I. So, I would like to make those corrections.

And I would also, at this time, suggest, Mr. Chair, that we -- that we go back to the previous practice. Before I was on the board, I know they always accepted the minutes but provisionally would put these left for corrections that could still be made before they became

official. And I think this was a good practice.

I wouldn't want it to hold up putting the minutes on the web site, but I think there would be good -- if we had a little more time to actually -- for those who want to review the minutes, to review them before they become final. So, I would put that forth as a motion, Mr. Chair.

CHAIRMAN HIRANAGA: So, moved. Is there a second?

BOARDMEMBER HASHIMOTO: Second.

CHAIRMAN HIRANAGA: Discussion?

BOARDMEMBER RAISBECK: I would just say that it goes to the previous practice, for many years, I believe, and

I don't think it hurt anything. And the only thing against it would be if somehow people felt it would delay putting them on web site.

MS. HOWARD: They are unofficial on the web site, so that's no problem.

BOARDMEMBER RAISBECK: Thank you for that comment.

CHAIRMAN HIRANAGA: Any further discussion? If not, all if favor say aye.

(Chorus of ayes.)

Opposed.

(Silence.)

Motion carried.

BOARDMEMBER RAISBECK: Thank you.

CHAIRMAN HIRANAGA: Any other comments regarding the minutes of February 19th or February 26th? If not, I open the floor to a motion to grant preliminary approval.

BOARDMEMBER RAISBECK: I would think that -- let me move that we accept the minutes of February 26th and of --

CHAIRMAN HIRANAGA: 19th.

BOARDMEMBER RAISBECK: -- the 19th, to be accepted subject to corrections made within the next 30 days, and to be

put on the web site as unofficial minutes.

CHAIRMAN HIRANAGA: So moved. Is there a second?

BOARDMEMBER HASHIMOTO: Second.

CHAIRMAN HIRANAGA: Any discussion? All in favor

say aye.

(Chorus of ayes.)

Opposed?

(Silence.)

CHAIRMAN HIRANAGA: Motion is carried.

BOARDMEMBER RAISBECK: Thank you.

CHAIRMAN HIRANAGA: Is anyone here from the public

who wishes to provide testimony regarding the agenda items?

MR. SHEPHERD: What do you do? Just raise your hand and step up?

CHAIRMAN HIRANAGA: Well, there is a form you could have signed up on.

MR. SHEPHERD: Yeah, I filled it out.

CHAIRMAN HIRANAGA: He said he filled one out.

MS. HOWARD: Oh, he did? I didn't get it.

CHAIRMAN HIRANAGA: Did you give it to someone?

MR. SHEPHERD: Is there any way you can turn off that machinery noise? The acoustics in here are absolutely

lousy.

CHAIRMAN HIRANAGA: The air-conditioning. Yeah,
it's the only air-conditioning we have. Sorry. The other one
is broken.

MR. SHEPHERD: Why don't we just turn the damn
thing off?

CHAIRMAN HIRANAGA: Because it will get warm.

MR. SHEPHERD: That's okay. It's liable to get
warm anyway.

CHAIRMAN HIRANAGA: It will get warmer faster if
we don't have it on.

MR. SHEPHERD: Yeah, get the meeting over in a
hurry.

CHAIRMAN HIRANAGA: Why don't you attempt to give
your testimony. Which agenda item do you wish to speak on,
wells drilled?

BOARDMEMBER HASHIMOTO: Pookela well?

CHAIRMAN HIRANAGA: Which agenda item do you wish
to provide testimony on?

MR. SHEPHERD: You want me to do what?

CHAIRMAN HIRANAGA: Which agenda item do you wish

to provide testimony on?

MR. SHEPHERD: Where is the agenda items?

CHAIRMAN HIRANAGA: It's there on the glass door,
right behind you.

MR. SHEPHERD: I want to talk about wells.

CHAIRMAN HIRANAGA: You can only address agenda
items.

BOARDMEMBER HASHIMOTO: Pookela well.

MR. SHEPHERD: Oh, okay. Yeah, with regard to the
Pookela well, I would like to relate something that happened
about four years ago when the previous water director,

Craddick, asked me and one other fella, a petroleum engineer, to comment on contracts for drilling the wells.

My friend, the petroleum engineer, backed out, because he didn't want to get involved. Being afraid of nothing, I came forward, and I analyzed three contracts that he said that he had to make a decision on to drill a well in Waikapu.

That Waikapu well was drilled, Pookela was drilled, and the rigs left. And that's what bugs me. Why did they take a rig off of the site, demobilize, and now they want to come back and test the well? That's simply a waste of

taxpayer money to proceed in that manner.

When you put a well on the site and drill it, you test it. You put in the production equipment, and then you move off. You don't move on, and then wait three or four years, and decide that you want to go back in and put in the pumps and so forth. That's simply a big waste of our money. And such things are incomprehensible.

Now, I say this, having had some 30 years experience playing around with the petroleum wells. Once in a while, we would find some water, much to the appreciation of the landowner and the ranchers. But, I think I understand the

procedures in which wells are drilled and completed. And what's being currently done is completely out of phase with good engineering practices. Very wasteful.

Get on the well, complete it, test it, whatever you are going to do, but don't move that rig off of there until you do those two particular things, and think that you are going to come back two or three years later, and remobilize, and test, and go through the same procedure that you should have done in the very beginning.

Now, maybe I don't understand, and there might be

maybe extenuating circumstances in the procedures used by the Board of Water Supply. Maybe they can explain those. But nevertheless, these are very wasteful procedures, and it's your money, my money, and it's money that could be well spent with other things that run the department in a much more efficient manner. So, get in there and don't let these things happen again.

Now, maybe you guys are going to be off the Board by the time they drill another well, but you better take a hard look at these contracts. I have nothing more to say.

CHAIRMAN HIRANAGA: Thank you.

THE REPORTER: State your name, please.

MR. SHEPHERD: Glenn Shepherd.

CHAIRMAN HIRANAGA: Thank you, Mr. Shepherd.

Thank you. Is there anyone else that wishes to provide testimony? Robert Fevella.

MR. FEVELLA: Oh, yes. I am better looking. I got in a knife fight with a doctor yesterday. He won. I lost. Skin cancer. It's my parents' fault.

My name is Robert Fevella. I'm number 188 on the hostage list as of February. On Pookela well, I don't know what really is going on, because this Department has not made

it known to the people that are waiting years for that well to come on line. We were told by the Mayor that that well would be on line by the end of this year.

Yesterday afternoon, Mr. Tengan told the County Committee on that Makena Resort zoning that the well would not be on line until 2005, probably May or June.

My question is, why? We got to ask questions.

These officials, they tell you something, and they don't tell you why. I want to know why. It's not printed. Nobody tells us anything.

You would think that people that are waiting for

years should be notified via the newspaper or something to let us know what is going on. What we know is what they got planned for West Maui. Yesterday, Mr. Tengan went right down the line, all these wells they going to drill, and water -- tapping surface water and all that. What about Upcountry? Are we in Iraq or Mars?

Even the people in Iraq are getting better infrastructure than us, and we just sit there and wait. Now, if a temporary well -- I mean, a temporary pump is the answer to get that well moving, I suggest that you put it in. We

have waited long enough.

H'poko wells, I understand now they plan to send that down country, because there might be an emergency down here. We got almost a thousand people waiting for water meters Upcountry. That's not an emergency? What is an emergency? People needing water in Kihei and Makena and Central Maui? What about Upcountry?

And this goes on and on. And what I have said I have said before. I got to keep saying it again, and again, and again, and nothing happens. I called the Mayor this morning on his radio program, that what he had said and what I

had heard from Mr. Tengan were two different things.

Is it fair, to a segment of the population, living in Upcountry, to go through this for the last 50 years? And what is planned? Pookela well. What else? They going to divert water from Dowling well. They count how many thousand gallons they can hold, million gallons. They can divert and pump uphill.

What else is planned? There is no plan like West Maui. Is reservoirs the answer? If it is the answer, get it going. What, we going to wait another 20 years for another Pookela? You know, to a citizen, families have lived there

all their lives, this is very, very frustrating.

Our government is not for us. The Water Department is taxed with the mandate to provide water for its citizens, and they have not been able to do that. Why? And you got to ask the questions why. And when somebody like Mr. Tengan says, oh, that is something. Why? Why? And you ask the question why until you find the answer.

Get down to the people that are responsible for the delays. Give credit where credit is due. But when something is wrong, you got to go after it. You know, I just got my assessments yesterday or day before yesterday. And I'd

like to send it back to the County that I would really like to pay this assessment when my tax bills come, but I don't have a source. Can you wait eight years, ten years, 15 years? I might have a source then.

What you think the County would tell me? But it's all right for the County to tell me that, oh, you can wait. How long? Oh, I don't know. You got any plans? No, we don't have any plans. Is that right? I ask you people, is that right?

And if you were in our place, how would you feel,

huh? To sit back, and wait, and wait, and you look around, you look down the hill, all these houses and condos and what have you coming up. There is no water for us. We not asking for more, but why should we expect less? Thank you.

CHAIRMAN HIRANAGA: Any questions for Mr. Fevella?

BOARDMEMBER RAISBECK: Yeah. Mr. Fevella, I think there are many people on this Board who really sympathize with the fight of everyone who was been waiting for water meters. Could you tell me what part of Upcountry you live on?

MR. FEVELLA: I live on Polipoli Road.

BOARDMEMBER RAISBECK: Polipoli Road. And do you

happen to know which year it was you applied for?

MR. FEVELLA: 1996, April.

BOARDMEMBER RAISBECK: 1996. Okay. Yeah, I think

the Board will make every effort to deal with this question of

whether Upcountry is getting a fair share of the water

development that is being done. So, I hope you will continue

to watch the proceedings, continue to see what the Council

does about water, and I commend you for coming here and

testifying. Thank you.

MR. FEVELLA: Can I say one more thing? My

feeling is that the majority of the people on -- in Maui

County don't have the slightest idea of what we have gone through. You know, it's so frustrating. Eight years, my wife even died waiting, and we still waiting. Is that fair?

It's not like there is no water. The water is there, but where is the Department and the people responsible, the engineers and what have you, to go and find this water and put it on line?

BOARDMEMBER OKAMURA: Mr. Chair.

CHAIRMAN HIRANAGA: Yes, Kenneth.

BOARDMEMBER OKAMURA: I wanted to thank

Mr. Fevella for coming and bringing up his concerns. I think

somebody needs to bring up this issue. Some of us are new on the Board, and it has to start someplace. Somebody needs to bring up the issue for us to at least have it in the back of our minds, and we always trying to find sources Upcountry.

Thank you.

MR. FEVELLA: Could I say one more thing?

CHAIRMAN HIRANAGA: Yes, Mr. Fevella.

MR. FEVELLA: You talk about affordable housing every day, in the paper, you know, paper, all the meetings. Everything is affordable housing. What is more affordable

than trying to give your children the property you have?

And you know, you cannot do it. And there's

another problem with my situation is I got three lots. I live

on one, my daughter lives on one, and my son wants to build a

house on lot three. My daughter takes water from lot one,

from my lot. She's been taking water from me since 1987.

She's not a new person on the system.

The same three people living in that cottage since

1987, yet the Board will not give me a water meter, so I can

get my final approval and give the kids their property, put it

in their names. That's what bugs me. What kind of a rule is

that? What is the -- I don't understand it. That's stupid.

Thank you.

CHAIRMAN HIRANAGA: Thank you. Is there anyone

else that wishes to provide testimony regarding today's

agenda?

Seeing none, next agenda item, unfinished

business. Corp Counsel's answer to the question regarding the

Board's ability to hear an appeal on the Director's decision

regarding communication 04-01, letter from Jimmy Muschietti

for Anthony and Roxanne Marterie by the staff regarding

application for water meter upgrade.

DEPUTY CORPORATION COUNSEL KUSHI: Yes, Mr. Chair.

As I reviewed the minutes of the last meeting, I read that inquiry was that I provide you with some definite response to a question as to what appeal Mr. Muschietti, on behalf of the Marteries, could take.

As I read the minutes, I believe the discussion was whether his appeal to this body is pursuant to Section 16-102-76, which is the generic type of appeal found in your Rules of Practice and Procedure, or whether it's -- his appeal is under Section 16-106-08, which is an appeal or a -- it's not stated as an appeal, but it's under the Upcountry Rules

for Water Meter Issuances and is entitled waiver or
modifications.

Having reviewed this again, we would still -- our
office would still confirm that Mr. Muschietti's request, to
this Board, is based on Section 16-106-08, under the Waiver or
Modification Section, under the Board's Upcountry Water Meter
Issuance Rule.

That section provides that the Board, by
two-thirds vote of its entire voting membership, or six, may
waive or modify the requirements of the Upcountry Rule when

not contrary to the public's health, safety, or welfare, and

when the Board finds three factors: One, strict application

of the rule would cause an absurd, unfavorable, unreasonably

harsh result. Two, the Board finds the circumstances or

conditions unique or exceptional, and the Board will grant the

same request if made by every similarly situated applicant.

And three, the resulting action -- excuse me -- of the Board

will be without detriment to existing users.

I believe the rule in question is the applicant's

response timely or otherwise to his -- to the Department's

certified letter to the applicant that he has -- the

Department has reached his number or numbers on the priority list.

The record shows that he did not respond within the 30-day time period as provided in the rules. The record shows that his first written response was close to 11 months after the Department sent him the notice. However, it is within the rules that this body may consider a waiver or modification.

Now, having said all of that, as you know, this rule was passed before the Charter change. This rule as passed, as I recall, would have enabled this Board to

basically overturn any decision by the Department, to waive or modify any decision.

Since the Charter change, as you all know, this body become advisory in nature. Accordingly, our Department has always -- has assisted -- or the position is that the rules still exist unless repealed, but it cannot be in conflict with the Charter.

So, we have taken the position that applicant may appeal to this Board, but any decision from this Board would be advisory in nature to the Department.

The other hanging item was, as I recall, the

applicant was advised to pay \$300. This appeal of the waiver or modification provision in your Upcountry Water Rule does not have a fee amount. The other generic appeal in your Rules of Procedure does.

The applicant, on advice by the Department, did pay a 300-dollar appeal fee. As I said the last time, I would recommend or advise the Department to return that money, because it's our position that the applicant's appeal is not pursuant to the generic appeal procedures. Any questions?

CHAIRMAN HIRANAGA: Yes, Sally.

BOARDMEMBER RAISBECK: Mr. Kushi, first of all,

what is the -- all right. Subchapter 8, appeals to the Board, the first paragraph says, any person aggrieved by a decision or order of the Director may file a petition for appeal with the Board.

It doesn't say except people who live Upcountry.

It says any person. So, I fail to see why you don't feel this section applies to Mr. Muschietti. And obviously, the person who accepted this 300-dollar fee felt that this section would apply to Mr. Muschietti.

So, I think that I would prefer to have

received -- any decisions or advice from you I would prefer to receive in written form, since legal -- legal language is highly technical and refers to many, many paragraphs and so on. And I really don't appreciate -- and I have asked this before. That we receive in advance written summaries of these, of what you are going to testify to, because I find it highly confusing when we have to listen to it verbally.

So, I disagree with your interpretation. I think the Board could be sued by Mr. Muschietti's employer if we say, because he lives Upcountry, Subchapter 8 does not apply to him. I highly -- I think this is probably an issue that

will continue in the courts if not here.

My other -- I did have another question, if you would hold on just a minute. Equal application of the law would, I think, be a good principle when it says any citizen may appeal, and you say except people who live Upcountry. I don't think that's right, but I will -- with those comments, I will close. Thank you.

CHAIRMAN HIRANAGA: Any other questions for

Mr. Kushi? Yes, Kenneth.

BOARDMEMBER OKAMURA: Thank you. I was wondering,

if we were to follow the original appeals process that was

just previously mentioned, we would have to follow like a contested case hearing procedure. And I was wondering whether this body, as an advisory group, would have the legal standing to do it on a contested case hearing. I don't need an answer right now, but that's my question.

DEPUTY CORPORATION COUNSEL KUSHI: Mr. Chair, I will try to respond to that also.

Boardmember Okamura, you are exactly right. This is why it's the opinion of my office that the appeal should be under the Upcountry Waiver or Modification Rule. Because of

the Charter change, our position is this Board cannot have contested case hearings, because any decision from this Board is recommended -- is a recommendation and advice only, which cannot be then appealed to the Circuit Court.

BOARDMEMBER RAISBECK: Can I have a question,

Mr. Chair?

CHAIRMAN HIRANAGA: Yes, Sally.

BOARDMEMBER RAISBECK: Yeah, also, I would question your statement that if the Board considered an appeal, our decision would be a recommendation to the Director. Why are you excluding the fact that we are able to

advise the Mayor and advise the Council?

We have the right to advise them, and a decision of ours could be issued as advice to the Mayor or the Council as well as the Director. Correct?

DEPUTY CORPORATION COUNSEL KUSHI: Mr. Chair.

Member Raisbeck, what does that have to do with an appeal? Council or the Mayor, they are not appealing anything before them.

BOARDMEMBER RAISBECK: I believe the Mayor can overrule the Director.

DEPUTY CORPORATION COUNSEL KUSHI: Correct, but

this is totally off the subject of Mr. Muschietti's issue
right now.

BOARDMEMBER RAISBECK: I am sorry. It refers
directly to something you said in your statement, that we
would -- if we held an appeal, we would advise the Director.
We could also advise the Mayor.

DEPUTY CORPORATION COUNSEL KUSHI: You have the
Charter blessed authority to advise the Mayor and the Council
and the Department.

BOARDMEMBER RAISBECK: Correct.

DEPUTY CORPORATION COUNSEL KUSHI: If asked.

BOARDMEMBER RAISBECK: No, nowhere does it say if asked. Never. It says we have the duty to advise them. It does not say if asked. I beg to differ.

DEPUTY CORPORATION COUNSEL KUSHI: If the Mayor does not ask you, what do you do?

BOARDMEMBER RAISBECK: I go advise members of the Council all the time as an individual. Mr. Fevella just came here to advise us as an individual.

DEPUTY CORPORATION COUNSEL KUSHI: I am not -- I am --

BOARDMEMBER RAISBECK: This Board has the power.

DEPUTY CORPORATION COUNSEL KUSHI: It's not
infringing upon your individual rights to advise whoever you
want. I am talking about the Board.

BOARDMEMBER RAISBECK: This Board has the right to
advise the Mayor and the Council.

DEPUTY CORPORATION COUNSEL KUSHI: I agree. I
agree.

BOARDMEMBER RAISBECK: And we do not have to wait
to be asked. I am sorry. There is nothing in that Charter
amendment that says we have to wait to be asked.

CHAIRMAN HIRANAGA: Any other questions for

Corporation Counsel?

George, are you planning to provide Mr. Muschietti with some type of a correspondence indicating Corporation Counsel's decision, so he can determine what his next step is? How are you going to close this issue?

DIRECTOR TENGAN: Yes, we could prepare a letter to them, yeah. But I believe he's also filing an appeal with the -- what Board or party?

DEPUTY CORPORATION COUNSEL KUSHI: Mr. Chair, I understand that Mr. Muschietti, on behalf of Mr. Marterie --

which, by the way, I would suggest strongly that

Mr. Muschietti get a power of attorney or at least an

affidavit from the owners to confirm his representation

status. I am advised that he has filed an appeal to the Board

of Variances & Appeals.

Our office is aware of that appeal. I believe

it's coming up within the next month or so. Informally, at

this time, our internal office discussions would be to oppose

that appeal based on lack of jurisdiction, but that's best

before the Board of Variances & Appeals.

CHAIRMAN HIRANAGA: So, the Department will appear

and provide testimony at this BVA appeal process?

DIRECTOR TENGAN: Yes.

CHAIRMAN HIRANAGA: Thank you.

BOARDMEMBER RAISBECK: Excuse me, Mr. Chair. One
question.

CHAIRMAN HIRANAGA: Yes, Sally.

BOARDMEMBER RAISBECK: Yes. Do I understand you
to say that the Department will be testifying that the Board
of Variances has no jurisdiction in this matter? Will that
have them refund Mr. Muschietti's \$600?

DIRECTOR TENGAN: It is my preference to go on
advice of counsel.

BOARDMEMBER RAISBECK: So, your position is the
Board of Variances has nothing to say on this issue?

DIRECTOR TENGAN: I am just going to go on advice
of counsel.

CHAIRMAN HIRANAGA: Okay.

BOARDMEMBER RAISBECK: Okay. That's what you say,
Mr. Kushi, right?

DEPUTY CORPORATION COUNSEL KUSHI: That is our
internal office discussion at this point. It's not finalized.

BOARDMEMBER RAISBECK: Thank you.

CHAIRMAN HIRANAGA: Thank you. Moving on to the next agenda item, Director's Report, costs and procedures required to install a temporary pump in the Pookela well until the permanent pump is ready and the advantages and disadvantages of such action.

DEPUTY CORPORATION COUNSEL KUSHI: Excuse me,

Mr. Chair. So, what is the disposition of this Board review matter?

CHAIRMAN HIRANAGA: I am not sure. I guess my

thought would be if the Director just sent a correspondence to

him, indicating the Director's position, it would be up to him to determine what his next action would be.

DEPUTY CORPORATION COUNSEL KUSHI: Well,

Mr. Chair, on behalf of the Department, we believe that the matter is ripe for you to decide, based on that section we cited. So, I believe whether it's today or at the next meeting --

CHAIRMAN HIRANAGA: Decide whether it is under the

Upcountry Rule or what do we decide?

DEPUTY CORPORATION COUNSEL KUSHI: No, we are

saying it is under the Upcountry Rule, and that being the

case, we have heard the presentation. You can hear more if you wanted to, but the Department would like a recommendation either way.

CHAIRMAN HIRANAGA: Okay. I guess I will open the floor to a motion regarding Mr. Muschietti's request. Kenneth.

BOARDMEMBER OKAMURA: I move that we stay with the Director's position denying the request for an extension.

CHAIRMAN HIRANAGA: Is there a second?

BOARDMEMBER HASHIMOTO: Can you repeat the motion?

BOARDMEMBER OKAMURA: I move that we support or concur with the Director's decision that the extension was denied. You denied the extension that was requested.

BOARDMEMBER HASHIMOTO: Second.

CHAIRMAN HIRANAGA: Is there any discussion?

BOARDMEMBER OKAMURA: You know, a good part of the Upcountry Rule states, in the waiver or modification, which Corporation Counsel talked about, under Section 116-106-A, and the second one -- the second item under there it says that the Board finds the circumstance or condition is unique or exceptional, and the Board would grant the same request if

made by every similarly situated applicant.

Now, so I think that's a good criteria, because if you were to grant an extension of time for Mr. Marterie to get the meter, additional service, we would have to be willing to give that same or grant that same request to anybody else that comes in and asks for an extension, even if they were like six, you know, eight months late. And I don't think the Department can operate with something like that hanging over them. Thank you.

CHAIRMAN HIRANAGA: Any other discussion?

BOARDMEMBER RAISBECK: Yeah, I will be voting

against the motion on the grounds that I think that in denying Mr. Muschietti's right to the appeal process, we are infringing very much on the constitutional rights of a citizen of Maui County. So, I will vote against the motion.

CHAIRMAN HIRANAGA: Any further discussion? Yes, Kenneth.

BOARDMEMBER OKAMURA: I think the motion was not to deny Mr. Muschietti's appeal to us, but to deny -- to support the Director's recommendation that the extension be denied. I think if there's avenues for Mr. Muschietti to appeal, he can still follow them if he wants to.

CHAIRMAN HIRANAGA: Any further discussion? If

not, I will call for the vote --

All in favor of the motion to support the
Director's decision to deny the request for an extension of
time, please so indicate by raising your right hand.

(Boardmembers Hashimoto, Nobriga, Okamura, and
Crivello raised their hands.)

The Chair votes in favor. Those opposed?

(Boardmember Raisbeck raised her hand.)

Sally in opposition. The motion does carry.

Thank you.

Moving on to the next agenda item, Director's Reports, costs and procedures required to install a temporary pump in Pookela well until the permanent pump is ready, and the advantages and disadvantages of such action.

Director Tengan.

DIRECTOR TENGAN: Mr. Chair.

BOARDMEMBER RAISBECK: Mr. Chair.

CHAIRMAN HIRANAGA: Yes.

BOARDMEMBER RAISBECK: This request was made by Ginny Parsons, and I am not sure -- this request was made by

Boardmember Parsons to have this information presented, and she's not here today. And I just feel very badly that she wouldn't be here to ask questions and so on. Would it be possible to defer this to another meeting?

CHAIRMAN HIRANAGA: I prefer not to do it. She knew the agenda item was scheduled, and I don't know what her personal reasons are for not attending, but to defer agenda matters because individual Boardmembers are not present I don't think is appropriate. Thank you.

DIRECTOR TENGAN: Mr. Chair, within the packet we have included a report. The report includes -- I have

attached two exhibits or three exhibits.

Exhibit A is a cost estimate for the installation and operation of the test pump that was used during construction and testing of the Pookela exploratory well by Water Resources International.

Exhibit B is a report indicating the cost of installing the smaller 700 gpm pump that might be available at the present time.

With regard to Exhibit A, I really felt that that particular test pump was not available for use.

And Exhibit C, we have some discussion on the

advantages and disadvantages of putting in a temporary pump.

CHAIRMAN HIRANAGA: Questions for the Director?

Sally.

BOARDMEMBER RAISBECK: Thank you, Mr. Chair.

George, first of all, there have been, in the past, a number of times either multiple letters -- I don't know if they are all from the same person -- saying that the permanent pump for this well has not yet been ordered. Is that no longer true?

DIRECTOR TENGAN: That's correct. We finally

decided this week the specifications for the pump. There was much discussion as to what size pump we should go ahead with because of the size of the column going down the well.

BOARDMEMBER RAISBECK: I am sorry. Oh, could you repeat that?

DIRECTOR TENGAN: The size of the column that's going down the well.

BOARDMEMBER RAISBECK: And that --

DIRECTOR TENGAN: That created a problem in the decision making process.

BOARDMEMBER RAISBECK: What? The well isn't wide

enough to accommodate what you want to put in or what?

DIRECTOR TENGAN: There was much discussion.

Because of the size of the pump, as I am told, the pump is going to be at least 32 feet length in that. So, if there's a problem with the alignment of the column going down, the pump could get stuck when they try to get the pump down there.

BOARDMEMBER RAISBECK: So, has the alignment of the column been documented?

DIRECTOR TENGAN: Yes, it has, but that was done by the well driller of the project. But to reduce our risk, we are going to make it whereby the -- whereby the contractor

would be responsible to confirm the alignment of the shaft or the column going down and be responsible if something happens, such as there's a problem getting the pump down to the bottom of the well.

BOARDMEMBER RAISBECK: Well, is that one of the reasons why maybe you are suggesting a smaller -- smaller pump?

DIRECTOR TENGAN: At one time, we were -- we were thinking about doing that, but following discussions with the consultant and with staff, we finally decided that we would go with the largest pump we feel we can get down there, down to

the bottom.

BOARDMEMBER RAISBECK: And that would be 1400 gpm?

DIRECTOR TENGAN: No, I think it's about 900 gpm.

It should produce about a million and a half gallons per day.

BOARDMEMBER RAISBECK: But, excuse me. But didn't

they test this well with a 1400 gpm pump?

DIRECTOR TENGAN: Yes, they did.

BOARDMEMBER RAISBECK: And what's the reason that

pump can't go down again?

DIRECTOR TENGAN: It's a different kind of pump.

The pump that was used for the testing, what we they call a line shaft pump, where the motor sits above the ground, and the shaft goes down, and the pump is at the bottom. In this case, we are putting in a submersible pump, which includes the motor and the pump down in the bottom of the well.

BOARDMEMBER RAISBECK: Is there -- was there anything, in the original contract with the Water Resources International, that -- that would make them liable for the fact that the shaft isn't straight?

DIRECTOR TENGAN: I guess there's -- you know, there would be -- I would rather refer the question to the

engineers. If you will hang on.

Yeah, we probably would have to check the contract, and the well driller was supposed to provide a report as to the straightness of the hole, but I think maybe Alan can discuss that more intelligently than me.

BOARDMEMBER RAISBECK: I am sorry. You didn't tell us your name.

MR. MURATA: My name is Alan Murata. And as far as the pump and its alignment, I was overseeing the construction phase of the exploratory well. The contractor had certain specs he had to meet as far as plumbness and

alignment. While he was drilling the pilot hole, he did what's call a TOTCO alignment, and on the pilot hole, these TOTCO measurements all passed specs.

When he dropped the casing in the well, he was again required to take plumbness and alignment measurements for every length of casing that he dropped. And the readings we got, it all passed specs.

BOARDMEMBER RAISBECK: But then where does the problem arise, if it is straight and they are not liable?

MR. MURATA: Well, there is no way it's going to be perfectly straight. There is no way they can drill it

perfectly straight. They drill. If the measurement shows they are drifting, they do adjustments to get it back straight. But the incremental differences in alignment are all within specs. So, you can say it's a pretty straight hole, but it's not a straight -- it's not exactly straight.

BOARDMEMBER RAISBECK: What is the spec for the departure from a true plumb line? What is -- I mean, plus or minus what?

MR. MURATA: I can't say for sure, but it's -- you know, it's detectable. I think for the TOTCO measurements,

when I --

BOARDMEMBER RAISBECK: I am sorry. That word I am not familiar with.

MR. MURATA: It's a specific instrument they use to check the angle of the hole as they are going down.

BOARDMEMBER RAISBECK: How do you spell that?

MR. MURATA: T-O-T-C-O.

BOARDMEMBER RAISBECK: T-O-T-T-O?

MR. MURATA: T-O-T-C-O. TOTCO.

BOARDMEMBER RAISBECK: Oh, TOTCO. Okay.

MR. MURATA: And, you know, from the measurements

I got or the readings I got, if you took the worst case scenario, and you plotted those incremental differences in one direction going down, then at the bottom of the hole, you are probably 15 to 20 feet.

BOARDMEMBER RAISBECK: Ouch.

MR. MURATA: But that's good. For that depth, that is extremely good.

BOARDMEMBER RAISBECK: This is an 1800-foot well?

MR. MURATA: Yes. And again, that's the worst case.

BOARDMEMBER RAISBECK: Okay.

MR. MURATA: Because normally, when they see it's going off, it's drifting off, they make adjustments. They go back the other way. So, actually, the measurement is going back the other way, so there's some averaging out there.

BOARDMEMBER RAISBECK: I see. Wow. So, that's part of the delay here, is the pump you would like to put into Pookela can't be for sure put in safely with this departure from true vertical.

MR. MURATA: No, I don't think the alignment -- plumbness and alignment was an issue. I think, you know, at that time, when they were doing the exploratory phase, the

question was, well, what size and what types of pump are we planning to put in the hole? And the decision was made to go with an 18-inch casing. That's the problem. Once you put in the 18-inch casing, that dictates what size pump you can get down the hole.

BOARDMEMBER RAISBECK: Okay. Well, it seems to me, just a perfect lay person, not a water engineer at all, that we want to get the maximum amount of water possible out of that well, because Upcountry needs water so badly. And, so, we should make every effort to put in a 1400 gpm pump.

And maybe there's some other alternatives that haven't been explored.

Are we -- are we tied to what -- this is a question for George. Are we tied to Water Resources International to put the pump in?

DIRECTOR TENGAN: No, that part of the contract has already been completed. We are currently preparing the bidding documents for the outfitting of the well.

BOARDMEMBER RAISBECK: For the --

DIRECTOR TENGAN: So that would be possibly -- it could possibly be a different contractor that would be

installing the well or the pump and motor.

BOARDMEMBER RAISBECK: But it hasn't been signed yet?

DIRECTOR TENGAN: No, the contract hasn't been given out for bid yet.

BOARDMEMBER RAISBECK: Thank you.

CHAIRMAN HIRANAGA: Yes, Clark.

BOARDMEMBER HASHIMOTO: I just have a question here. In your letter, on page three, I guess you said the rigs would not be available until December 2004 to install the temporary pump. And --

DIRECTOR TENGAN: Alan has been having discussions with the contractor, and so he would have more details on that, and maybe he can address those questions.

MR. MURATA: Specifically regarding the test pump that was used during the construction phase, the pump that they used was a line shaft pump. And because of its weight and size, they need one of their largest rigs that they have. So, that rig is presently committed to another project, and they don't expect it being available until December of 2004. So, that rig is only specific to that, the test pump, the original test pump option.

BOARDMEMBER HASHIMOTO: So then, page six, item three, the schedule for the permanent project says estimate construction start on August 2004, which will conflict with any temporary project. So, it's slated to begin on August of 2004 for the permanent pump?

MR. MURATA: That I need to check with our CIP people. I am not knowledgeable about the permanent installation project.

BOARDMEMBER HASHIMOTO: I just want to clarify. If you are going to start it in August 2004, there's no use

putting in a temporary pump.

MR. MURATA: That's correct. That's correct.

MR. NAKAMURA: Right now, we are currently working on the contract, and we probably won't go out to bid probably until about May, I believe, at this time. So, at this point in time, you know, it would probably conflict.

BOARDMEMBER HASHIMOTO: What was the last?

MR. NAKAMURA: Yeah, it would probably conflict. If we put in a temporary and have to put in the permanent, it would probably conflict.

BOARDMEMBER HASHIMOTO: So, the schedule of

August 2004 for the permanent pump is historic? Page six,
item three.

MR. NAKAMURA: Yeah, it would start about August.

That's right.

BOARDMEMBER RAISBECK: Another question,

Mr. Chair.

CHAIRMAN HIRANAGA: Yes, Sally.

BOARDMEMBER RAISBECK: George, I know that the
Maui Land & Pine is putting a well in about half a mile away
from the Pookela well. Can you tell us what stage that well
is at?

DIRECTOR TENGAN: We just had a meeting with Maui Land & Pine yesterday to discuss the concept of a well, which they had discussions to go on. But, however, they have filed it, and I believe they have got an approval for drilling from the State Water Commission.

BOARDMEMBER RAISBECK: Have they got pump approval yet?

DIRECTOR TENGAN: The drilling permit, I believe.

BOARDMEMBER RAISBECK: But not the pump permit?

DIRECTOR TENGAN: I don't know that they would want to submit for the pump installation permit until they

know what they can get out of the well.

BOARDMEMBER RAISBECK: And have we submitted paper to the State Commission for our pump permit?

DIRECTOR TENGAN: Which pump?

BOARDMEMBER RAISBECK: Pookela well.

DIRECTOR TENGAN: Oh, yes. That's all taken care of, yes.

BOARDMEMBER RAISBECK: Thank you.

BOARDMEMBER OKAMURA: I was wondering about the current time line for the permanent pump at Pookela. As of now, what would be the step -- the major steps and the time

when the well would be on line?

MR. MURATA: First off, we would probably have to work on the contract. We would have to go out to bid. Once the bid results are in, we would have the evaluation, select the contractor responsible for the installation. And once he gets that, then he will go out and get bids from the manufacturer as to the cost and all of that.

There would probably be some evaluations coming back, and then probably issuance of the purchase order for the pump. Once the pump arrives, and when the pump arrives there will have to be an installation. And right now, we are

looking at probably around July of 2005 for the permanent pump to be installed and in service.

BOARDMEMBER RAISBECK: July.

BOARDMEMBER OKAMURA: And how soon after that would it be possible to actually provide water for the community?

MR. MURATA: I guess once it's installed, you know, we would be also working with some of the infrastructure, the pipelines and things for that. So, at this point in time, we have some unknowns in our report.

In Exhibit C, we have some things such as the Department of Health certification, disinfection facilities, piping schemes, and et cetera. So, these are some of the things that may possibly impact our ability to not be able to deliver it in a timeframe that we are talking about, but we are making every effort to try to expedite this whole process and trying to get the system on line.

BOARDMEMBER CRIVELLO: Mr. Chair.

CHAIRMAN HIRANAGA: Stacy.

BOARDMEMBER CRIVELLO: You mentioned -- you listed you have contract, bids, and all these different procedures

that you need to go through. Where are you at now?

MR. MURATA: We are finalizing our construction plans with the consultant.

BOARDMEMBER CRIVELLO: So, you are still at the planning stage?

MR. MURATA: That's correct.

BOARDMEMBER CRIVELLO: Not even ready to go out for the contracts?

MR. MURATA: That's correct.

CHAIRMAN HIRANAGA: I guess, could you expand a little bit about the potential to use water from H'poko wells

for Upcountry use, and you have this last page under other discussion. Is that something that's in the near future?

DIRECTOR TENGAN: Yes, Mr. Chair. As you know, as I have stated in the past, we expect to use about 500,000 gallons per day as soon as we make a connection to the Paia system. Following that, it would take some time before we can do the connection to the Central Maui system in the vicinity of the Wailuku side of the booster pump station that's located along the highway at the Maui Country Club.

So, while we are doing that, it's possible that we could make the additional water that we could be pumping from

Hamakuapoko for use Upcountry. The only caveat to that is if we issue meters based upon that capacity, until such time that we can get Pookela on line, if a drought occurs, then we won't have, you know, a supplemental source by which we can supplement the surface water sources.

CHAIRMAN HIRANAGA: So, the infrastructure is in place to transfer water from H'poko wells Upcountry at this time?

DIRECTOR TENGAN: Yes, via the water treatment plant at Kamole.

CHAIRMAN HIRANAGA: Okay. Would it be prudent for the Department to come up with some type of an allocation plan with the existing capacity of these wells whereby some water may be allocated for Upcountry use, permit Upcountry use?

DIRECTOR TENGAN: We would have to do some analysis and certainly have some heavy discussion among the staff, and we can meet with the Mayor if we decide to go in that direction.

BOARDMEMBER NOBRIGA: Kent. So, based on the information provided that the project is being fast tracked to pump Pookela well, although the actual production water date

would be 2005, would it be -- not would it be, but I would like to move forward and have this body advise the Department to issue meters in order to retire the list at this time based on the reliability of the project.

Because it can be done. The project is going. I know we had pulled off our retiring of the list project, because the administration chose not to follow-up on the Pookela project. But now that everything is back running, the previous decision of the Board was to fast track the people waiting on the list.

And knowing all the requirements have been

satisfied, we should go back and pick that back up again.

That is what this is all about. That is what this whole thing is about. Getting the people that's been waiting on the list going, because it will take them three years to get anything done anyway.

BOARDMEMBER HASHIMOTO: Is that a motion?

BOARDMEMBER NOBRIGA: Yeah, it's a motion.

CHAIRMAN HIRANAGA: Could you restate your motion, please?

BOARDMEMBER NOBRIGA: My motion, I move that this body advise the Department of Water Supply, and the

administration, and the County Council, and the Mayor, and the Corporation Counsel, and the Governor, and the dog catcher and everybody, that it's our position that the Department issue meters in order to retire the list for Upcountry based on reliability of water from Pookela now.

CHAIRMAN HIRANAGA: Is there a second?

BOARDMEMBER OKAMURA: Second.

CHAIRMAN HIRANAGA: Second by Kenneth.

Discussion?

BOARDMEMBER RAISBECK: Mr. Chair.

CHAIRMAN HIRANAGA: Yes.

BOARDMEMBER RAISBECK: I feel it's premature since we have been told they may not be -- I think it would be premature to start doing this when the contracts for the pump haven't even been placed, and water may be ready by July of 2005, and possibly not then, based on the considerations mentioned of other pipelines, the this, the that, and the other things.

I think it's premature to give out any meters until they have the water much closer to -- we know they were going to put in a 900 gpm meter or a 1400 gpm pump. Not

meter, pump. We don't even know what size pump we will be able to get in though that well. So, I think it's premature to start issuing meters.

CHAIRMAN HIRANAGA: Yes, Mike.

BOARDMEMBER NOBRIGA: Mr. Chairman, we have water in reserve for Hawaiian Homes that is not going to be fully built out for five years. We have people waiting on the list. They are trying to finalize the subdivision. They don't even want to build anything. They are not going to use water. They are just trying to supply the documentation to finalize the subdivision, so they can pass the land on to their

children before they die, because we have got people on the list already that passed away. The kids are over there holding -- holding air in their hands.

The time to act is now already. We been dicking around with this thing too long. D-i-c-k-i-n-g.

BOARDMEMBER OKAMURA: Question for the Director or for the staff. When the Pookela well came on line, and not came on line, but when the test well came, and there was water coming in from Pookela well, and the Department more or less said that, okay, we can provide more water service, what was the prediction on how much extra water service you would be

able to provide?

There must have been some number that was given.

Like I don't know if you can say that, but like how many people can you send letters out to saying that, you know, if they are going to have water when the well comes on line?

DIRECTOR TENGAN: As to how much water was expected out of the well, I believe was testing at two million gallons per day. As to how much water would be made available for additional meters, I am not aware of the number that the previous director was thinking about. What

was the other part of your question?

BOARDMEMBER OKAMURA: But somehow -- I guess that answered that two parts of my question. But somehow, there must have been -- you know, letters were sent out saying that, you know, the well is on line, so apply for water service. Something like that.

DIRECTOR TENGAN: No, the letter didn't say that the well is on line.

BOARDMEMBER OKAMURA: Oh, yeah. The well will be on line, so you can start to apply for water service.

DIRECTOR TENGAN: That was the position of the

previous director who felt that during the -- following

testing of the Pookela well, that we would be able to issue

meters at that time. And my position was somewhat different.

BOARDMEMBER OKAMURA: So, is there a plan to say

like, okay, let's say projected yield of the well would be

like two million gallons a day. Is there a plan to say, okay,

we are allotting so much for new meters and so much more

reserve supply?

DIRECTOR TENGAN: I guess before we can determine

how many more meters we can service with the Pookela well, we

would have to do some in-house analysis as to weather

conditions, you know, that kind of projections, consumption patterns, and whether or not -- whatever else we can think of that may affect getting water into the system. But I don't suspect that we will be issuing meters up to the 1.5 million gallons per day.

BOARDMEMBER RAISBECK: In connection with the Central Maui Joint Venture, it was made very clear to most everybody that the maximum pumpage from a well can't be considered as usable, in the sense that you have to apply what amounts to a 46 percent factor to the maximum you can pump because of many factors. But usually, the standard figure,

all over the country, I guess, is if it, at maximum, pumps two million gallons a day, you would really only get effectively 46 percent of that to distribute.

Now, is that two million gallons a day after you apply that 46 percent or is that the maximum pumpage?

DIRECTOR TENGAN: The two million, I believe, is the maximum over a 24-hour period.

BOARDMEMBER RAISBECK: So, that really we would only get less than a million gallons a day in actual year-round usage, correct?

DIRECTOR TENGAN: Well, the pump that we are putting in is going to be providing about 1.4 million gallons.

BOARDMEMBER RAISBECK: But if that's its maximum pumpage, you got to take 46 percent of that.

DIRECTOR TENGAN: Not necessarily. The 46 percent is based upon, I believe, our ability to reliably service water sources, and then we allow for, I believe, some downtime for maintenance and also for peak usage.

BOARDMEMBER RAISBECK: Yeah, but it is -- it is standard practice to use that two-thirds of two-thirds figure for what you can expect to --

DIRECTOR TENGAN: Yeah, that's the design

standards for the water system. Operationally, it's possible that we could use it for longer periods of time.

BOARDMEMBER RAISBECK: And also, I would think there would be uncertainty, if Maui Land & Pine's well gets into production before ours, as to whether there might be -- there might be some influence between them that would restrict the amount either well could pump without causing upconing. So, it seems to me we still have so many uncertainties that issuing meters is -- is not the thing to do at this moment.

CHAIRMAN HIRANAGA: Yes, Clark.

BOARDMEMBER HASHIMOTO: Yes, to get back to the motion by Mr. Nobriga, I think in the five years I have been on the Board, I have heard Mr. Fevella and people like him testify for their meters and plead for their meters. And here, five years later, both Mike and I are getting off the Board, and they still don't have their meters.

And I would like to support Mr. Nobriga's motion.

And, you know, I think we are going to -- since the Pookela well -- you know, we have been relying on the Pookela well to get more meters out. I think the process is in motion. And I support Mr. Nobriga's motion to -- let's get those meters to

the people, especially to the families who have been waiting for years, and to Mr. Fevella.

DEPUTY CORPORATION COUNSEL KUSHI: Mr. Chair, was there a second to the motion?

CHAIRMAN HIRANAGA: Yes.

BOARDMEMBER HASHIMOTO: Yes.

BOARDMEMBER NOBRIGA: Third.

CHAIRMAN HIRANAGA: Question. Right now, the Department is issuing meters based upon the hundred thousand additional gallons we received from the Dowling well.

DIRECTOR TENGAN: We have maxed out on that already, so we are not sending out any more letters.

CHAIRMAN HIRANAGA: So, you have allotted that capacity to people on the list already. You processed the hundred thousand gallons.

DIRECTOR TENGAN: Yes.

CHAIRMAN HIRANAGA: As an interim measure, could a portion of the H'poko wells also be distributed before Pookela comes on the line?

DIRECTOR TENGAN: You know, we discussed over here, that's something that might be possible action for us to

take to issue additional meters Upcountry.

CHAIRMAN HIRANAGA: Yeah, I guess I would be more inclined to be in favor of the Department analyzing the existing capacity of H'poko wells, determining if there is -- if there is capacity that can be allocated for Upcountry use. I don't know what that number is, but I think an attempt should be made to try and identify if some capacity can be allocated to the Upcountry area, so that the Department can continue to process the list until such time Pookela well comes on line.

But I tend to agree with Sally's concern to start

allocating meters based on something that may occur. Although they appear confident that it will occur, it hasn't yet.

BOARDMEMBER CRIVELLO: Mr. Chair.

CHAIRMAN HIRANAGA: Yes, Stacy.

BOARDMEMBER CRIVELLO: I support what Clark and Mike are proposing. If it's taken five years to do any kind of analysis, how much longer will we take to come up with some plan to provide for -- I would like to say the keiki o ka aina, the people who live here, whose footprints are deep into the soil.

And we cannot forget that, but we are mandated to

provide the flow of the water for our people. So, I would like to support that, because how much studies are we going to do if we are only at the planning stage? So does that mean that Mr. Fevella and the many families up there would have to wait another five years for consideration?

CHAIRMAN HIRANAGA: Thank you. Any other discussion? If not, I will call for the vote. All in favor of the motion --

BOARDMEMBER RAISBECK: Oh, Mr. Chairman.

CHAIRMAN HIRANAGA: Yes.

BOARDMEMBER RAISBECK: Could you restate the

motion?

CHAIRMAN HIRANAGA: The motion, as I believe

stated, is that the Board shall recommend to the Department

that they start issuing or processing the waiting list based

upon the projected capacity of the Pookela well.

All in favor of the motion, please so indicate by

raising your right hand.

(Boardmembers Crivello, Hashimoto, and Nobriga

raised their hands.)

Let the record show Stacy, Mike, and Clark in

favor. Those opposed.

(Boardmembers Raisbeck and Okamura raised their hands.)

Sally and Kenneth in opposition. The motion does not carry.

Are there any other motions regarding this?

I guess the next agenda item is regarding the costs and procedures of installing the temporary pump at Pookela. We sort of wandered off a bit. Is there any motion regarding the --

BOARDMEMBER OKAMURA: Can we have a recess?

CHAIRMAN HIRANAGA: Sure. Have a 10-minute

recess.

(Recess, 10:25 a.m. Resumes, 10:37 a.m.)

CHAIRMAN HIRANAGA: I would like to call the

meeting back to order. Is there any continuing discussion

regarding the Pookela well?

BOARDMEMBER NOBRIGA: Yes, Mr. Chairman.

CHAIRMAN HIRANAGA: Yes, Mike.

BOARDMEMBER NOBRIGA: In reviewing the Director's

report and the two options available, I would like to make a

motion that this body recommend pursuing Exhibit B, on page

five, which talks about a smaller pump on a temporary basis.

That way, it wouldn't interfere with the installation of the

regular pump that's been engineered. It's on month-to-month

basis. You know, we put it in. We use it. When we are done,

we take it out. Comes off only 75 cents per thousand gallon.

A motion. You going to second?

BOARDMEMBER HASHIMOTO: Second.

BOARDMEMBER NOBRIGA: All right. Thank you, sir.

CHAIRMAN HIRANAGA: Discussion.

BOARDMEMBER RAISBECK: Yeah, Mr. Chair.

BOARDMEMBER NOBRIGA: Sally.

BOARDMEMBER RAISBECK: I notice on page six, which is evaluation of proposal for temporary pump installation, under disadvantages, risks, and this is for either temporary option, it says delays to the permanent well pump project will occur. Contractor for temporary pump would have to demobilize before new project can begin. Schedule for permanent pump project estimates construction start around August of 2004, which will conflict with any temporary project.

So, if that is true, then I think putting in a temporary well would conflict with progress on the permanent

project, which I don't think is a good idea. But perhaps what was written here, which is quite recently, that's changed since? I don't know.

CHAIRMAN HIRANAGA: Does the Director wish to comment?

DIRECTOR TENGAN: Mr. Murata.

MR. MURATA: I prepared the cost estimate for Exhibit B. You know, when this report was given to me to prepare, one of the prime considerations, I guess, was timing. How fast can we get this pumping water?

Any kind of temporary pump you put in, if it's

temporary, is going to affect the permanent installation. I mean, you are going to have to pull the temporary pump in order for the contractor, for the permanent pump, to come in, check the plumbness and alignment, order the pump, and get back in the hole. So, any kind of temporary pump will affect the permanent project.

When I prepared this estimate, I kind of figured, well, what if we put in a temporary pump, so-called temporary pump but on a permanent basis. That way, you know, you put this temporary pump in the hole. You can run it, if you have to. You don't if you don't need it. But it's sitting in the

hole.

The permanent pump contractor wouldn't have to be -- it wouldn't be included as part of his project, because the pump is already sitting in the hole. You wouldn't have to pull it. You wouldn't have to put in the permanent pump. You wouldn't have to test it again. You wouldn't have to take samples again. So, it's just elimination of a lot of, you know, many duplicate processes. So that the temporary pump -- you know, the 700 gpm pump is a smaller pump. That's the drawback, because the 900 gpm pump is a special order.

Even the 700 gpm pump is a special order, but the contractor for the exploratory phase says that he has one. His manufacturer has one that may still be available. I am not sure if it's still available now, but, you know, he -- he probably needs to check on that now. But, you know, it's just a matter of how do we get the water out of the hole as soon as possible and not delay the permanent project. So, this was one option I came up with.

BOARDMEMBER RAISBECK: I am sorry. I don't -- I still don't quite follow you, because first you say any temporary pump will delay the permanent project, and just now

you said it will just -- it wouldn't delay.

MR. MURATA: This would be a temporary pump when you put it in the hole, but it's going to stay in the hole until you need to take it out. The permanent pump project, you would -- if you need a larger pump, you would wait until you needed to remove this pump for maintenance or it breaks, so you talking two, three years down the road.

CHAIRMAN HIRANAGA: Alan, what is the gallons per day of a 700 gpm? What is the pumping capacity you estimate?

MR. MURATA: I don't have a calculator. One million.

CHAIRMAN HIRANAGA: One million.

MR. MURATA: So, I guess, you know, one other thought was that you get a smaller pump in the hole, it's going to take us time to go down the list to max out that capacity anyway. So, by the time you reach -- you need to get a extra capacity, maybe it's time for this pump to come out, be repaired, replaced, and you can put in a bigger pump.

CHAIRMAN HIRANAGA: Is it the practice of the Department to have a replacement pump on hand versus waiting for it to break and then ordering a new pump?

MR. MURATA: Normally, we wait until it breaks,

because you don't know if it can be repaired or if you need a totally new pump.

CHAIRMAN HIRANAGA: So, what you are saying is to leave the 700 gpm pump in the hole until it needs to be pulled because of operational requirements, not just because the other permanent pump is ready to be installed.

MR. MURATA: Right.

DIRECTOR TENGAN: Mr. Chair, I might add that taking this approach, upon which time that the temporary pump malfunctions, from that point in time it would take, based on

the information that I have, at least eight months for the manufacturer to build another pump. Then you have to add on the bidding document preparation time and the bidding time. So, you possibly could be looking at a year following the breakdown of the pump to get the permanent pump in place. And it wouldn't be advisable to have the permanent pump standing by because of the warranties involved.

CHAIRMAN HIRANAGA: Yes, Kenneth.

BOARDMEMBER OKAMURA: What would be the cost of each of these types of pumps, the 700 and the 900 or whatever, and what would be the warranty problems specifically?

DIRECTOR TENGAN: Well, the submitted costs for the 900 gpm pump is about \$400,000. So, as you can see here, the smaller pump is estimated at \$276,000.

With regard to the warranty, my understanding is that the warranty period is for one year. So, if you standing by for one year, all warranties are lost.

BOARDMEMBER OKAMURA: So, the warranty is one year?

DIRECTOR TENGAN: Correct.

BOARDMEMBER OKAMURA: Is it -- a lot of things that you buy now, where you get a warranty, you seldom use the

warranty. Is it an important thing to have a live warranty when you put in a pump?

DIRECTOR TENGAN: Well, you are talking about \$400,000. And I guess you could throw in some risk factor in making the decision as to when you order the pump.

BOARDMEMBER OKAMURA: But --

CHAIRMAN HIRANAGA: Yes, Clark.

BOARDMEMBER HASHIMOTO: If you get a permanent pump in there and that breaks down, how long would it take to replace it? Same, same amount of time?

DIRECTOR TENGAN: As Alan mentioned, that would

depend on what went wrong with the pump, whether it could be repaired or whether it would have to be replaced by another pump.

But taking the worst case scenario, whereby you would need to put in the same kind of pump, and it has to be completely built by the manufacturer, as I mentioned earlier, it might take up to a year to replace the pump.

BOARDMEMBER RAISBECK: Mr. Chair, if we -- I am just trying to think through the alternatives we are being offered by Mr. Nobriga's motion. If we put in the temporary

pump, the max capacity, say, is a million gallons a day, that means the effective production would be about 460,000 gallons a day.

If we wait for the permanent pump, which might take a lot longer, ideally, we could get twice that from the pump, but maybe they might have great difficulty putting it down the 18-inch hole that was drilled not completely vertically. So, and if either one of them breaks down, it may take a year to put the well back in production. I really feel somewhat confused about this. Sorry.

CHAIRMAN HIRANAGA: Is there a reliability

difference between the smaller pump and the larger pump, or do they basically have the same reliability?

DIRECTOR TENGAN: That issue entered into our decision making. We are not familiar with the experience of the smaller pump manufacturer, but we have some experience with the large pump manufacturer. And as I understand, you know, the large pump manufacturer has, I guess, a better documented history of performing.

CHAIRMAN HIRANAGA: Any other discussion?

DIRECTOR TENGAN: I have one more thing, Mr. Chair. In our decision whether to go with the large pump

or the small pump, it was -- we were made to understand that the time savings between the building of the smaller pump wasn't great.

It would be just -- I don't know exactly how many months difference, but from what we were made to understand, it wouldn't be -- timewise, it wouldn't be much difference between the building of a small pump and the larger pump, because they both have to be specially made.

CHAIRMAN HIRANAGA: Yes, Clark.

BOARDMEMBER HASHIMOTO: So, what is the recommendation, may I ask, of the Department on what option we

should take?

DIRECTOR TENGAN: You mean between A and B?

BOARDMEMBER HASHIMOTO: Or permanent?

DIRECTOR TENGAN: Well, we have just decided in going with the larger pump, and that's what we have instructed the consultant to do in preparation of the bidding documents.

BOARDMEMBER CRIVELLO: Can I have a question, please? So, it is the intent of the Department to go with a temporary setup?

DIRECTOR TENGAN: No, it's not. We are going

ahead with the permanent installation.

CHAIRMAN HIRANAGA: Yes, Mike.

BOARDMEMBER NOBRIGA: The exercise was basically to find out what we can do faster. And, yes, it's true that both pumps will take time. Alan is pretty confident that the recommendation in Exhibit B would be kind of like a faster way to go than Exhibit A, which is basically what was presented.

My motion was to recommend the pursuit of Exhibit B. My motion had no intent to force the stopping of the project that's currently going. I am not saying to take away the placement of a permanent pump, but to go with

Exhibit B, in a temporary slash permanent pump, so that we can utilize the well and utilize the water that we have found.

Most frustrating for me, as a Board Member these five years, is how this body takes so much time trying to find ways of not to supply water to the public. I don't know why we keep finding out -- finding excuses why we cannot give water to the public, instead of looking at ways to get water to the public, which is the name of the Department.

Otherwise, we should just change the name of the Department to the Department of We No Have Water Supply and sell sand. Thank you. Yes, we have no bananas.

CHAIRMAN HIRANAGA: Okay. The first thing I would -- personally, I would defer to the Director's recommendation, so I have difficulty voting in favor of that motion.

Any other discussion? If not, I will call for the motion, the vote. All in favor of the motion to pursue the temporary pump, please so indicate by raising your right hand.

(Boardmembers Crivello, Nobriga, and Hashimoto raised their hands.)

Let the record show Stacy, Mike, and Clark in favor. Those opposed.

(Boardmember Raisbeck raised her hand.)

Sally. And Kenneth, are you abstaining?

BOARDMEMBER OKAMURA: Yes.

CHAIRMAN HIRANAGA: Which counts as a vote in favor of the motion. Okay. And the Chairman votes against the motion, so the motion fails.

Since we are still on the subject, and I don't have before us any other motions. Also, could you expand on this monitoring well on Hog Back Road, and if that could possibly provide additional capacity, source?

DIRECTOR TENGAN: It's not an agenda item.

CHAIRMAN HIRANAGA: It's on the report.

DIRECTOR TENGAN: Oh.

CHAIRMAN HIRANAGA: Page seven, number three.

DIRECTOR TENGAN: And your question again, please?

CHAIRMAN HIRANAGA: If you could just expand on the possibility of utilizing that monitoring well for additional source. Is the Department looking at that?

DIRECTOR TENGAN: Apparently, we haven't done it yet, but as is stated there, we can explore whether this well can be developed to provide additional source water for

Upcountry, because this -- as is stated here, that well was part of the East Maui litigation. And, so, there was a restriction on the use with regard to the East Maui plan.

But, if we use it for a source for Upcountry, you know, it might be that we could use -- develop a well and put it into the system. So, we can explore that.

CHAIRMAN HIRANAGA: Thank you. Yes, Sally.

BOARDMEMBER RAISBECK: Yeah, George. What's the size of the casing of that well?

MR. MURATA: 12.

DIRECTOR TENGAN: 12 inches.

BOARDMEMBER RAISBECK: So, it couldn't be used as a production well now and produce a very great amount of water?

DIRECTOR TENGAN: I would think that, you know, we could develop it into a production well, but the amount that we would be able to get out of it would be somewhat limited because of that size.

BOARDMEMBER RAISBECK: And has it been pumped to determine capacity at all, or because it was a monitor well, it wasn't pumped, you know, within the kind of testing they do to determine the capacity?

MR. MURATA: They did pump test the well, and I am not sure what the maximum draw expected. But, you know, I guess it's kind of like in the middle of the Hog Back area, so it would be sufficient to supply the service area immediately below.

BOARDMEMBER RAISBECK: I used to live on Hog Back Road, so I am real interested in this. So, it would be used to supply a small area around the well, if it were used for production.

MR. MURATA: Well, you know, once it gets down to

Haiku Road, then, you know, pretty much the bottom area of Haiku could be served, and that would allow water from the Dowling well to be diverted elsewhere.

BOARDMEMBER RAISBECK: Thank you.

BOARDMEMBER OKAMURA: My I have a question for the Director? In discussion of number two starting with operationally, what do you mean by that paragraph? I don't understand.

DIRECTOR TENGAN: What this discussion is stating is that if the temporary pump were to be installed, it would only be utilized when we couldn't produce water from the

Kamole treatment plant for reasons which could include those that Wailoa Ditch or some malfunction in the Kamole treatment plant. In other words, it could serve as a standby source.

BOARDMEMBER OKAMURA: If we put in a temporary pump.

DIRECTOR TENGAN: Yes.

BOARDMEMBER OKAMURA: And what does that second sentence mean, if the source is available?

DIRECTOR TENGAN: Yes. It's saying that provided it's available at Kamole, at the Kamole plant, it would be more efficient to pump that water up the Kula system rather

than pumping water from the wells. And the estimated cost is \$2 utilizing the water from the Kamole water treatment plant versus \$5 per thousand gallons using the well.

Mr. Chair, if I may, and to satisfy Member Nobriga and Member Hashimoto's concern about releasing the meters right away to the Upcountry area, I will explore the possibility of using the Hamakuapoko wells, taking that into consideration for -- as far as reliability is concerned. I will also explore the possibility of doing system improvements, so that we may be able to use the Hamakuapoko well as soon as it's repaired.

CHAIRMAN HIRANAGA: Thank you. Anyone else wish
to make a motion regarding this agenda item?

BOARDMEMBER RAISBECK: Mr. Chair.

CHAIRMAN HIRANAGA: Yes.

BOARDMEMBER RAISBECK: I would move that we --
that the Board supports the Director's recommendation to
continue pursuing the permanent pump for Pookela well without
installing a temporary pump.

CHAIRMAN HIRANAGA: Is there a second?

BOARDMEMBER OKAMURA: Second.

CHAIRMAN HIRANAGA: A second by Kenneth. Any

discussion?

BOARDMEMBER OKAMURA: I know you guys probably

putting it on fast track now from what you are saying, and --

but I guess, you know, really, I would like to request that it

be put on fast track, and it's been a while since the monies

were available to get the pump and the specifications for the

pump.

But, I guess, you know, the Board is beginning to

see the urgency or the community's need at this time. So, I

think we should really try to put it on the front burner.

Thank you.

BOARDMEMBER RAISBECK: Mr. Chair, I would accept that as a friendly amendment to my motion. That the Board request the Department to pursue a fast track on proceeding with the permanent pump for Pookela without using the temporary pump.

CHAIRMAN HIRANAGA: So, will you second that amended motion?

BOARDMEMBER OKAMURA: Yes.

CHAIRMAN HIRANAGA: Any discussion? I will call for the vote. All in favor of the motion, please so indicate

by raising your right hand.

(Boardmembers Crivello, Hashimoto, Raisbeck and

Okamura raised their hands.)

Let the record show Stacy, Clark, Sally and

Kenneth in favor. I will vote in favor. Opposed?

(Boardmember Nobriga raised his hand.)

Mike in opposition. The motion carries.

Next agenda item is a presentation, and it will

take approximately a half hour. Would you like a break?

BOARDMEMBER RAISBECK: Mr. Chairman, I would

suggest that the other items under other business be taken up

before A -- oh, no. I am sorry -- before Director's report under B for the following reason. That the ones under other business, I would really like to see that not happen today.

And also, the two new board members will be coming on board next month, and I think this presentation would be very valuable to them, because most of them will be totally unfamiliar with the Water Use & Development Plan.

And I think it would be very valuable for them to have it, perhaps, not at the first meeting that period, but certainly at the second meeting, when the new members are on

board. So, if that was agreeable to the other Board Members,

that might work out better.

CHAIRMAN HIRANAGA: Any objection to the request

to defer the next agenda item? Would we need a motion to do

that? Do we need a motion to defer?

DEPUTY CORPORATION COUNSEL KUSHI: Mr. Chair, no.

I would suggest you just defer unless there's objections.

CHAIRMAN HIRANAGA: No objection?

DEPUTY CORPORATION COUNSEL KUSHI: If there are

objections, you need a motion.

CHAIRMAN HIRANAGA: Seeing no objection, we will

defer the Director's Report 04-05, update on the Water Use & Development Plan, to the next scheduled meeting.

Moving on to other business, discussion and possible recommendation regarding Corporation Counsel's answer to the questions brought up at the January 29th, 2004, meeting: "What are the roles of the Board of Water Supply, the Maui County Council, and the Mayor's Office with respect to the rate increase review?" and, "What is the proper process for the Board of Water Supply review of the Department of Water Supply's annual operating and capital improvement project budget?" Corporation Counsel.

DEPUTY CORPORATION COUNSEL KUSHI: Yes, Mr. Chair.

Thank you. In your papers, you have my copy of the February 25th, '04, memo to you concerning questions that were raised from the January 29th, '04, Board of Water Supply meeting, which, unfortunately, I could not attend.

As taken from the review of the minutes, I stated -- I identified two specific issues, one being the roles of the Board of Water Supply, the Maui County Council, and the Mayor's Office.

The second question was what is the process and procedure for review and submittal of the Department's Annual

Operating and CIP Budgets.

Unless the Chair wants me to restate what I have -- what you have in front of you, I submit that the document speaks for itself. I would be happy to answer or clarify any questions that you have.

CHAIRMAN HIRANAGA: I have had an opportunity to read this correspondence, so I would just want to open it up to discussion at this time.

I guess my concern, the intent for the question was what happens, like in this past budgeting process, you

know, the budget was submitted to the Mayor prior to any comment by the Board. What's to prevent that from happening?

It seems a little like an exercise in futility if the budget has already been submitted.

DIRECTOR TENGAN: Mr. Chair, as I stated when we gave the Board the copies of the budget that went up to the Mayor's Office, you know, at that time, we -- you know, this is -- the process is somewhat new to us. We have never had to work through the Mayor's Office in preparation of our annual budget.

So, the process was somewhat new to us. The

timing of preparing the document, the budget document, was somewhat late. We had a January deadline to submit the preliminary budget to the Mayor's Office. And, so, we hadn't allowed sufficient time to get started earlier and then present the budget before the Board prior to sending it up to the Mayor's Office.

This year, we will be making adjustments in the budget preparation process, so that we can get the budgets to the Board before we send it up to the Mayor's Office.

CHAIRMAN HIRANAGA: Thank you.

BOARDMEMBER RAISBECK: Mr. Chair, as I mentioned

in the announcements, the budget process has started with the Council. And the other day at the Council, I picked up the thick little booklet that gives all of our budget requests. And there is still time. There is April, and there is May.

They have to have a final budget by May 31st.

There is still time for this Board to send them advice about pressing problems they might want to be thinking about and/or compare what the Mayor sent them with what, you know, we saw.

I think we still have April and May to influence -- if we wish to do so, to influence the Council's budget process when it comes to the Department of Water. I

don't know if there's been a tentative schedule set for when they will consider the Water Department's budget.

DIRECTOR TENGAN: Yes, they will be advising us as to when we will be bringing it before the County Council. We will get copies of the schedule to the Board Members.

BOARDMEMBER RAISBECK: Thank you. And I should mention that I did testify at the Council the other day, testifying as an individual, that this problem of engineers not being able to be paid enough by the County to compete for engineers with the private sector was something that they

might want to look at while they consider Water Department requests.

And I didn't -- I told the Council that I thought

Ellen and her planning section could use a lot more help.

They have some very hard work to do, the Water Use &

Development Plan and other things, too, that require lots of

time and lots of detail. So that although I think there's --

in the budget, there is a request for four additional staff

members in the Planning and Resources Section, that may not

even be enough.

And another thing I noticed was that I was reading

the Planning Department Budget. They have 46 -- or they are asking for a slight increase in 46 people. They do essentially the same job Ellen has been doing with eight people in her department. I think eight equivalent positions.

And, you know, I think it's no wonder that planning for water hasn't been coordinated with planning for land use when there's such a disparity in resources for the Water Resources and Planning Section.

So, those are thoughts I had, and I am sure other -- other Board members might have things they would like to see the Board communicate to the Council or communicate to

its individuals, either one.

CHAIRMAN HIRANAGA: Thank you. Moving on to your second correspondence regarding the review of water rates, in your correspondence -- I guess this is dated March 2003. But you keep saying review and approval, review and approval.

And I guess my question is, when the Board submits its water rate increase recommendation to the Mayor, is it a review and approval or deny only type of a decision making, or can he then propose his own water rate schedule?

That's sort of the gist I wanted to clarify. And also, can the Council amend the Board's recommended rates, or

is it just an approval or deny situation?

DEPUTY CORPORATION COUNSEL KUSHI: Mr. Chair, I

lost what you said. You are referring to my March 4th, '03,

memo to Mr. Mateo?

CHAIRMAN HIRANAGA: Right.

DEPUTY CORPORATION COUNSEL KUSHI: At what

section?

CHAIRMAN HIRANAGA: Looking through it, it

continually says -- repeatedly says review and approval. So,

I am wondering, with regards to water rate changes, is the

Mayor's position or authority and the Council's authority to review and approve or deny, or do they have the right to amend the recommended rates?

DEPUTY CORPORATION COUNSEL KUSHI: Mr. Chair, the March 4th memo, '03 memo to Mr. Mateo covered our position as to the Council's jurisdiction. And that's -- you say review and approval. The Charter is set up such that water rates, fees, go to the Board, and the Board recommends to the administration. And then if approved -- it says, if approved by the Mayor, the proposed rate shall be submitted to the Council for enactment by ordinance.

So, that being the case, the Council would have the final say, and the rates and fees are then embodied in an ordinance. Previously, the rates and fees are embodied in your rules. And again, previously, the Council had the final call to approve any of the rules. So, in essence, they have the same last decision making.

That being the case, I think in the whole scheme of this, the Council would have the final say of any monetary issues, rates, fees, budgets. So, they can amend our rate schedule.

CHAIRMAN HIRANAGA: So, they can amend our rate

schedule.

DEPUTY CORPORATION COUNSEL KUSHI: They could. I

don't see anywhere where they can't. Where they couldn't.

CHAIRMAN HIRANAGA: The Mayor could also do the

same thing?

DEPUTY CORPORATION COUNSEL KUSHI: The way this is

set up, it says if approved by the Mayor. If the Mayor

doesn't send it down, then, of course, nothing happens. As

some of you may know, previously, when the Board was

semi-autonomous, some rule changes were sent up to the

administration.

The administration, at that time, refused to send it out to the Council, so the Council didn't even hear it. You took care of that by rule change that said if they didn't send it down within 60 or 30 days, it shall go down anyway. But, this one leaves one to think about what happens.

CHAIRMAN HIRANAGA: I guess my concern is, you know, we are going through this process with the Board and the steering committee, and we come up with a schedule, recommend it to the Mayor, and he says, well, that's fine and dandy, but I don't agree with this. I am going to change it to what I

feel it should be. And, so, it's why. That's my concern.

DEPUTY CORPORATION COUNSEL KUSHI: Mr. Chair, I

can tell you what I read.

CHAIRMAN HIRANAGA: Right. Thank you.

BOARDMEMBER RAISBECK: Mr. Chair.

CHAIRMAN HIRANAGA: Yes, Sally.

BOARDMEMBER RAISBECK: Yeah, I think what I am

hearing, if I can restate it, is that this Stakeholders

Committee will make a recommendation to us based on all of

their interaction with the consultants. We will make a

recommendation to the Mayor.

We can revise those, and we can make a recommendation to the Mayor about it. The Mayor, I would say my feeling is he has power to change whatever he wants to change before he sends it to the Council, and they have the power, just as they have with, you know, recommendations of the Planning Commission, which has more authority than we do, that they can make any changes they want at that stage.

But, the question would be along the way, we have the power to represent interests of the public, who represent what we think are important aspects of the rates. And, so, I don't think this is a useless exercise, even though the Mayor

could change it and the Council could change it. That's my --

would you agree with that, Mr. Kushi?

DEPUTY CORPORATION COUNSEL KUSHI: I agree with
you, Member Raisbeck.

BOARDMEMBER RAISBECK: Thank you.

BOARDMEMBER NOBRIGA: That's a first.

CHAIRMAN HIRANAGA: Any further discussion? Thank
you.

Moving on to the next agenda item, Update of the
Water Rate Study.

DIRECTOR TENGAN: Mr. Chairman, we have within

our -- within the packet, the agenda for the meeting that was conducted on Tuesday, here in this very same room, with the Stakeholders group.

The agenda items were covered. Following that, we have the draft agenda or draft schedule, timetable for the functioning of the Stakeholders group. And I might summarize that the Stakeholders Committee meeting went fairly well, and that the group should be deciding on selecting the Chair and Vice-Chair for the committee at the next meeting.

CHAIRMAN HIRANAGA: Any questions regarding the

rate setting?

BOARDMEMBER OKAMURA: I had -- just had one question. The timetable was -- how long will the rate study group be meeting? How many? Do they meet weekly?

DIRECTOR TENGAN: It's intended for them to meet once a month for a period of two hours each session. We have the schedule attached.

BOARDMEMBER OKAMURA: Okay.

BOARDMEMBER RAISBECK: I have a question.

CHAIRMAN HIRANAGA: Yes, Sally.

BOARDMEMBER RAISBECK: Yeah, I won't go into the

questions I had, but are the Board of Water Supply Members that volunteered to be on the committee -- are they voting members of the committee or are they nonvoting members of the committee?

DIRECTOR TENGAN: I think -- well, that would be up to the committee to decide, I would think. But, I don't see them as being nonvoting members to the committee.

BOARDMEMBER RAISBECK: Okay. Thank you.

CHAIRMAN HIRANAGA: No further questions? I will call for a 10-minute recess.

(Recess, 11:22 a.m. Resumed, 11:30 a.m.)

CHAIRMAN HIRANAGA: I would like to call the meeting back to order.

Sally, do you wish to provide additional comments regarding the water rate study?

BOARDMEMBER RAISBECK: Yeah. Mr. Chair, I did read this draft schedule, although --

MS. HOWARD: Sally, the mike isn't on.

BOARDMEMBER RAISBECK: Yes, Mr. Chair. I read the draft schedule, and, obviously, they have a lot to cover. I did hear that they might have to move the schedule up in order to provide -- approve new rates before the next -- the 2005

Council budget hearings start, and perhaps Clark could confirm that.

And the other thing is I notice they meet with the Stakeholders Committee eight times, with the Council five times, and with the Board of Water Supply three times. That make me feel like a step-child. Thank you.

CHAIRMAN HIRANAGA: Okay. Moving on to the next agenda item.

BOARDMEMBER RAISBECK: Could we hear from Clark about the committee?

BOARDMEMBER HASHIMOTO: Well, our representative

from the Mayor's office did indicate that we needed to get the budget in a little earlier than was on the schedule, so I think the committee is going to -- we would have to take that into consideration to get the -- I guess it was June, on June -- July 2005. If the water rates are going to go up, they needed the input earlier. I am not sure what the date was.

But as far as the meetings, I think meeting with the Council and the Water Department, or the Board of Water Supply, the Board, the members themselves will not be meeting.

Is that understood? And the consultant would be the one meeting with the Council. I think that's what she said on her -- on the conference call.

DIRECTOR TENGAN: Possibly either the Chair or Vice-Chair of the committee.

BOARDMEMBER HASHIMOTO: Yeah, I think she said the Chair or the Vice-Chair would attend, but they wouldn't be testifying. It would be the consultant.

CHAIRMAN HIRANAGA: No further comments, we will move on to the next agenda item. Presentation of certificate, plaque, and letter of appreciation to outgoing Boardmember

Clark Hashimoto.

DIRECTOR TENGAN: Mr. Chair, on behalf of the Mayor, I would like to present Mr. Clark Hashimoto with a certificate of appreciation for his serving on the Board for the past five years and for providing valuable input and decision making.

(Applause.)

CHAIRMAN HIRANAGA: As Chairman of the Board of Water Supply, I would like to present Clark with, I guess, a letter of appreciation and this plaque that he can proudly place upon his wall in his office.

BOARDMEMBER NOBRIGA: Right on.

(Applause.)

CHAIRMAN HIRANAGA: And I want to thank you for
your five years of dedication to serve the County and the
people of Maui. Good job.

BOARDMEMBER HASHIMOTO: Do I need to say
something?

CHAIRMAN HIRANAGA: If you want to.

BOARDMEMBER HASHIMOTO: I guess five years, you
know, have passed. It doesn't seem like five years, but I

guess it's been five years. You know, I have seen -- must be a good place to work, because I see the same faces after five years.

So, but again, you know, I think the staff, Water Supply staff is a great staff. They are -- contrary to what you hear from some of the testifiers, I think they have done a good job.

It's been a learning experience as far as water is concerned. We have gone, in the five years, I guess, from, you know, the Joint Venture, East Maui Water Development Plans, and all the problems Upcountry, and now the Central

Maui and Iao aquifer problems. And I have learned a lot, and I know that -- I know that we are advisory now. I guess it's not as fun now. We don't have any TV cameras. Almost every meeting, we used to have the television cameras.

But it's been a pleasure serving the five years.

And I haven't been as vocal as most of the Board Members have been, but it's been a great experience, and I will miss these meetings.

(Applause.)

CHAIRMAN HIRANAGA: Okay. I would like to -- yes,

Sally.

BOARDMEMBER RAISBECK: I would just like to say that I really appreciate the five years that Clark has been on the Board and his steady, unrelenting concern for the farmers Upcountry, which I think we are all concerned about, but I think he has a special concern for that. Thank you, Clark.

CHAIRMAN HIRANAGA: Thank you. Moving on to the next presentation, a certificate, plaque, and letter of appreciate for outgoing Board of Water Supply Member Michael Nobriga.

DIRECTOR TENGAN: Mr. Chair, again, on behalf of the Mayor, I would like to extend our appreciation and

congratulations to Mr. Michael A. Nobriga for his outstanding service on the Board of Water Supply.

As you know, Mike has never been one to withhold his opinion. And numerous times, he has made meetings of the Board somewhat -- somewhat lightened at times. So, on behalf of the Mayor, Mike, I would like to present you with this certificate of appreciation.

BOARDMEMBER NOBRIGA: Thank you, George.

CHAIRMAN HIRANAGA: Also --

BOARDMEMBER NOBRIGA: You guys don't even sign

this.

CHAIRMAN HIRANAGA: On behalf of the Board of Water Supply and the County of Maui, it's my pleasure to present this plaque of appreciation for Mike's five years of service.

BOARDMEMBER NOBRIGA: Yes, Kent. Thanks, Cathy.

I was expecting my golden faucet. Thank you, Kent.

I have thoroughly enjoyed my tenure of serving my community on this Board. And I have met many really great people, all doing their best to provide the best possible water service to our customers.

This Department is just so sorely unsung heroes.

You have a lot of employees that work for the County, too, that just give their all each and every day. And I am just awed and honored to have been able to come into your lives for this short period of time.

I have really learned to appreciate what government was supposed to stand for, but I find that no longer to be the case. I have witnessed a change of attitude of the powers that be. It's moving to something that I no longer recognize.

This body's entrusted to protect the rights of the

little guy, to listen to all options and positions, and act in accordance with the majority's decision. This is written in the rules of the body.

How can we continue to allow these rules to be broken? The Board of Water is provided by Charter and Hawaii State Statutes. The ability to harness, harvest, protect, and defend the most essential of resources, water.

We have no jurisdiction on how many people are allowed access to this resource, but we do have the fiduciary responsibility to provide it, not just to the high and mighty, but to the average guy that wants to make a place for his

family.

I find that we are constantly prevented from carrying out this charge. Kind of sad that after Jonathan Starr left, Akaku don't come no more. I don't know why. We have written rules, and the rules have been written. The rules never disappeared. There are still rules, and the rules are provided as a map for proper, nondiscriminatory proceeding.

What applies to the largest developer must also apply to a single-family dwelling and vice-versa. We do not

have two separate set of rules. We have only the one, and

Mr. Fevella, from Kula, deserves his requested meters along

with Makena Resort Partners. It's the same thing. Both have

invested heavily into their properties. Both have followed

the letter of the law, the rules. Now those in charge are

trying to change these very rules without proper public

participation.

The rules are being broken. The rules call for

commission to review our County Charter every decade. After

this commission has provided a year of work in the prescribed

manner provided by rules, with public hearings, questions

presented, answers being obtained, open deliberation and a final report and recommendation provided, there are those that cannot accept those findings.

What happened to the will of the majority?

Somewhere, somehow, we no longer follow that rule anymore.

And that is going to haunt me, and I hope it haunts you, too.

Thank you.

(Applause.)

BOARDMEMBER RAISBECK: Mr. Chair.

CHAIRMAN HIRANAGA: Yes, Sally.

BOARDMEMBER RAISBECK: I wanted to say to you,

Mike, that although you are going off the Board, and we will very much miss your humor and good temper, I hope you will continue to give us input out of your vast knowledge and your family's vast knowledge of the history of water on Maui. And give us -- come to us to make suggestions.

I would value them, because I know you have the concern of the people at heart, and you have a lot of knowledge that shouldn't go to waste. So, thank you very much for your service.

BOARDMEMBER NOBRIGA: Thank you, Sally. I shall.

CHAIRMAN HIRANAGA: Okay. Moving on to the next

agenda item, receipt of Board Member request for agenda items to be placed on future agendas. Yes, Kenneth.

BOARDMEMBER OKAMURA: I would like to request that maybe at the next meeting we be brought up to date as to what progress could be made as far as the discussion about the Hamakuapoko well and other sources for Upcountry. Would that be too soon at this meet thing? Not clear.

CHAIRMAN HIRANAGA: You want an update on the --

BOARDMEMBER OKAMURA: Progress.

CHAIRMAN HIRANAGA: -- possibility of finding

additional source for the Upcountry use in the near future?

BOARDMEMBER OKAMURA: Yes, that was mentioned on the discussion session of this agenda.

CHAIRMAN HIRANAGA: Yes, Sally.

BOARDMEMBER RAISBECK: Yeah, I would like to request that Jacky give us a short presentation -- not presentation, necessarily, but either a one-page or a five-minute kind of thing about what the results were at the community meeting to be held March 23rd, in Paia, about the H'poko wells. I would like to have the Board get an update about what people said at that meeting.

CHAIRMAN HIRANAGA: Okay. Any other requests?

Seeing none, moving on to the division reports. Are there any questions or comments regarding the division reports?

BOARDMEMBER RAISBECK: Brief recess, or just I need to look at the stuff that was handed out that I didn't have a chance to look at. So, just a second. Or maybe Ellen, if she's still here, to just tell us what the pumpage was for Iao and for Waihee.

MS. KRAFTSOW: The Iao subtotal was 17.8937, and Waihee was 4.022.

BOARDMEMBER RAISBECK: Thank you.

CHAIRMAN HIRANAGA: No other questions for the
division reports, this meeting is adjourned.

(Adjourned, 11:47 a.m.)

"By Water All Things Find Life"

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