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BOARD OF WATER SUPPLY

COUNTY OF MAUI

REGULAR MEETING

Held at the Council Committee Room, 7th Floor, Kalana O Maui Building, 200 South High Street, Wailuku, Maui, Hawaii, commencing at 9:05 a.m. on December 22, 2005.

REPORTED BY: GLORIA T. BEDIAMOL, CSR/RMR #262

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A P P E A R A N C E S

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CHAIRPERSON: MICHAEL VICTORINO

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VICE CHAIRPERSON: KENNETH OKAMURA

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MEMBERS: KENT HIRANAGA

GINNY PARSONS

RALPH JOHANSEN

CARL HOLMBERG

STAFF:

JAMES GIROUX, CORPORATION COUNSEL

GEORGE TENGAN, DIRECTOR

MICHELLE SAKUMA, SECRETARY

HOLLY PERDIDO, FISCAL OFFICER

ALVA NAKAMURA, ENGINEERING

ELLEN KRAFTSOW

BOARD OF WATER SUPPLY

TRANSCRIPT OF PROCEEDINGS

CHAIRMAN VICTORINO: I would like to call this

meeting to order of the Board of Water Supply. It's

Thursday, December 22, 2005. In attendance are members Kent

Hiranaga, vice-chair Kenneth Okamura, members Ginny Parsons,

member Ralph Johansen. Good morning, Ralph. And also a new

member that I would like to introduce, being that this is

his first meeting, Carl Holmberg. Carl, welcome.

MR. HOLMBERG: Thank you.

CHAIRMAN VICTORINO: Would you like to say a few

words and tell us quickly a little about yourself, ten words

or less.

MR. HOLMBERG: On island six years, engineer, glad

to be here.

CHAIRMAN VICTORINO: Thank you. We welcome you.

Okay. Announcements -- wait. Before I go on, I also want to say that our Board of Water Supply director is here, Mr. George Tengan. I had a moment there that I just -- yes, thank you very much.

MR. TENGAN: I have those moments.

CHAIRMAN VICTORINO: Yes. Yes. And a number of board staff department out there -- department staff, I should say.

Okay. Announcements. I have a couple of

announcements. First of all, it is with deep regret that I have to announce today that Greg Smith has tendered his resignation as a board member. Greg was with us for a few months and I think did a good job; but unfortunately, his business as well as his personal life commitments just could not fit into his schedule, so he tendered his resignation.

Also tendering her resignation, this one was kind of surprising but I understand, was Sally Raisbeck. And Sally is resigning as of January 31, 2006. She's -- her reason -- well, I'll read the letter to you.

Dear -- it's just to the mayor. Dear Mayor

Arakawa, I have appreciated the opportunity to be a member of the Board of Water Supply. Thank you for appointing me.

During the coming year, I expect to do a lot of travelling extensively and therefore will not be able to attend

meetings. I would therefore like to resign as of January

31st, since January's meeting is the last one I could

attend. Thank you again. Sincerely, Sally Raisbeck. And

it's attention -- cc's copies to myself, chair, and

Mr. Tengan, the director of the Department of Water Supply.

I did have a chance to briefly talk to Sally

before she left and did try to convince her that, you know,

even if she cannot attend all the meetings, she could be here at the majority. But she did point out that she's going to do a lot of travelling next year and probably miss most, if not almost all, of the meetings. So it's with deep regret that I accept both resignations. And hopefully by January our mayor will be able to find capable replacements. So that puts us at a number of seven members right now and six present today.

So, moving along, any other announcements before I move on to approval of minutes? None? Okay.

I would like to approve -- ask for approval of the

minutes -- let's start with the October 27, 2005 meeting.

MR. HIRANAGA: So moved.

CHAIRMAN VICTORINO: Do I hear a second?

MR. HOLMBERG: Second.

CHAIRMAN VICTORINO: It's been moved and seconded.

Any corrections, additions, deletions to the minutes of the
October 27, 2005 regular meeting? Sensing none, all those
in favor say aye.

(A chorus of ayes.)

Opposed?

(No response.)

Then I will ask for a motion to approve the meetings of the November 17, 2005 regular meeting.

MR. OKAMURA: So moved.

MR. HOLMBERG: Second.

CHAIRMAN VICTORINO: Moved by Mr. Okamura; seconded by Mr. Holmberg. Any corrections, additions, deletions to the November 17, 2005 meeting? Hearing none, all those in favor say aye.

(A chorus of ayes.)

Opposed?

(No response.)

Okay. We'll now open up for public testimony.

Now, with public testimony, I have two names here. Let me remind those who want to give public testimony, you can give your testimony up front or you can wait until your item on the agenda comes up and give testimony at that point. So that would be your choice. Okay.

So first one wanting to give testimony is Mr. Jim Smith. Jim, you want to do it now or wait until --

MR. SMITH: Yes, now.

CHAIRMAN VICTORINO: Okay. Speak so they can pick you up on the microphone, please.

MR. SMITH: Chair Victorino, and members of the Maui County Board of Water Supply, my name is Jim Smith, and I've been around for a while. And this is the second time I believe I've testified before this particular board. And I only come because of something that I feel is very, very serious and it's very important, and it concerns this board.

And it indirectly concerns me, because you, in my perspective, are preserve trust because you are appointed to be -- aside from the elected -- appointed officials, you are our eyes and our ears. And our charter was amended to, one, preserve your position as a member of the Department of

Water Supply; and two, to require and preserve your authority to advise.

So because you are said to advise on matters, I presume and hope that's connected to public trust. And without your participation, there can be no public trust, in my perspective. The meaningfulness and relevancy of this board is diminished over time and it becomes lost to me as a citizen and that I have to hold on for whatever reason.

Something occurred, you have a letter in your agenda dated November 1, 2005. And it is a copy of a letter to Mr. Avery Chumbley, advising him of a request of the

mayor to give water transmitted in irrigation ditches to the county as a gesture. But this is only the surface. On December 16th, there was an article in the Maui News, Arakawa wants plantation water system.

Now, in that article, in the second paragraph, it states specifically the announcement was just part of a larger announcement of an agreement with two private parties that filed an objection before the state water commission regarding the department's access to water. Now, an agreement was entered into by the mayor. Did you see that agreement?

CHAIRMAN VICTORINO: No.

MR. SMITH: Did you advise the mayor on this
agreement?

CHAIRMAN VICTORINO: No.

MR. SMITH: Are you at least curious about it?

CHAIRMAN VICTORINO: Uh-hm.

MR. SMITH: Why isn't it attached to the letter to
mayor -- to Mr. -- whoever -- Wailuku Ag? Why isn't it
attached there? This letter talks about controlling ground
and surface water. Big public policy. Did you advise the
mayor on any of that? Were you required to advise the mayor

on any of it? Yes, you were.

MS. PARSONS: No.

MR. SMITH: The charter specifically says that --
now, if you don't want to, then you can sit still. But my
public trust is diminished because you haven't asserted my
interest, as I believe you should.

On page A5 of that article, a private party
comments about this agreement as being a common sense
solution. Now, how do you know it's a common sense
solution? Who is going to pay for this agreement? Who has
the money to pay for this agreement? Who is going to gain

from it?

Wailuku Ag changes its stock to Wailuku Water,
charges 48 cents for transmission and it pays allegedly 6
cents. What is this nonsense? Where are you in the advice?

You must advise the council. You haven't even seen the
agreement. The agreement is already, according to the
article, inept, superfluous. Is this board superfluous?

No, it is not, if you insist that you are not.

But, of course, the people are superfluous too.

We're pain in the butts, we're aggravations. We're

everything except for one thing, we have dignity, we vote,

and we're the center of the process. And you guys have to, I would hope, come forward and investigate this matter, see whether or not you are being circumvented at an arbitrary decision. And I would ask you to do that to preserve our public trust. Council must know.

I haven't seen an agreement. Has it been signed -- this is a quasi judicial process before a state board in which you are a party. As a member of the Department of Water Supply, you are a party. Okay? Have you seen the document? How can the mayor sign a document involving water without your advice? How can that happen?

And now you must advise the council, is it going to be indirectly through a budgetary scheme? No. Public policy is not decided by private parties in a quasi judicial system in order to avoid litigation. And that's what's happening. And I'm asking you to be fiercely intelligent and aggressive in your pursuit of your own standing in this matter. Thank you very much.

CHAIRMAN VICTORINO: Thank you, Mr. Smith. Are there any questions for Mr. Smith? Ms. Parsons?

MS. PARSONS: Mr. Smith, I would like to qualify a couple of things.

CHAIRMAN VICTORINO: This is for recording

purposes, this is the one --

MS. PARSONS: We've been put into a precarious position since the last election as a board. We are an advisory board only, and the mayor has made it perfectly clear to council and to -- and somewhat to us, that our duties are limited to what he deems we're supposed to review; that he has full power to do whatever he wants.

And he's told -- and there's an article in the Maui News where he told Danny Mateo, when Danny was chair of the water commission -- or water committee, that the mayor

could do whatever he'd like to do and he didn't need the council's approval. And that's the way he's reading the amended charter amendment that passed the year he was elected.

So it's not because we don't want to pursue these things. I have asked for several things that I have not gotten from either the department and/or the ninth floor, and I don't know what else we can do other than picket out front. But we've done as much as we can until that charter amendment is either changed or modified.

MR. SMITH: We are besieged at the moment by

robust interpretation at the national level of the Federal Constitution. We can eavesdrop, we can do all these things because that's -- the word is robust executive power.

George III had robust executive power. Okay? And it's up to us.

Now, you are an -- you are a statutory impaneled body. You're not the Lahaina advisory committee to the mayor. Now, you're convinced, because he said so, that you are. And you're convinced because we'll say a less than robust council refuses to get involved. But you need, for our sake, to take a stand. If you vote unanimously, okay,

to take a position that the mayor bring to you, okay, and seek advice for this agreement.

Based upon the charter, you're a statutory -- you're empowered by the charter, not a statute. That seek from the council -- authorities. If, in fact, you buy it, I don't buy it, that you would be superfluous.

The history of the board over time has been to protect the public trust. That's the history. You want to disavow that because of a mayor who is so pleased with himself and his powers, that he's so bold as to publicly demean our council? Where is that from? That's another

page of history long ago.

And it just takes, intelligent as you people are, committed, okay, determination. And if you don't have it, you don't have it. But I would ask you to dig deep into the well of determination and bring forth some water. Don't take that -- and excuse me -- crap.

MS. PARSONS: I agree.

MR. SMITH: Sorry.

CHAIRMAN VICTORINO: Any other questions or comments for Mr. Smith?

MR. HOLMBERG: I'm Carl Holmberg. I would like to

ask if you could remind me, what was the date of that
article?

MR. SMITH: I'll give you the article if you want.

It's December 16th, Friday, and it was written by Harry

Eager. And it makes reference to the November 1st letter.

It's not clear whether this agreement was signed before or

after. There is some question if it was signed before, then

it would seem like a gesture but not a meaningful

communication. And if that's the case, play your games

somewhere else. That would seem, to me, to be an

appropriate response. I will submit this to you -- whoever.

CHAIRMAN VICTORINO: Mr. Okamura?

VICE-CHAIR OKAMURA: Thank you, Mr. Smith, for coming before us today to present this perspective. I think that's right, the board has, over the past couple of years, been grappling to trying to define the role and trying to understand the role, but maybe we need to be more aggressive. I think we do.

MR. SMITH: Determined. I wouldn't use the word "aggressive" today. But I appreciate you doing something. Thank you very much.

CHAIRMAN VICTORINO: Thank you, Mr. Smith.

Anything else? Okay. All right. Next public speaker -- next public testimony will be given from Mr. John Varel.

MR. VAREL: I have one question for Mr. Smith, if I may ask a question.

CHAIRMAN VICTORINO: Yes, go ahead.

MR. VAREL: Mr. Smith, are you -- and your testimony is very passionate and --

MR. SMITH: I don't think he should even ask me a question.

CHAIRMAN VICTORINO: Yeah. Yeah. And if you want

to ask this question in private, you can go ahead. But I am going to call you up here to do testimony now, please.

Okay, Mr. Varel, please.

MS. PARSONS: Mr. Smith, I would appreciate it if you would stay so we could get through this portion with a letter --

MR. SMITH: I left work to be here. I'm so sorry.

MS. PARSONS: Okay, all right.

CHAIRMAN VICTORINO: Okay, well, thank you, Mr. Smith. We'll get back to you on that.

MS. PARSONS: Thank you.

CHAIRMAN VICTORINO: Mr. Varel?

MR. VAREL: My name is John Varel. I'm a 20-year resident of Hawaii. I acquired a thousand acres from Wailuku Ag for -- approximately four or five years ago, behind Waihe'e. It is not as the article referenced, that I saw an unsuccessful mac farm. I have turned around the operation out there and we're producing over 500,000 pounds of nuts annually; employing at peak season over 35 employees. We're very proud of what we're doing back there.

It made reference in the articles that there was an issue that -- and I know Avery Chumbley spoke to the fact

that there was plenty of ag use. But none of that is for the private ag farmers that are in Waihe'e. There are a few kuleana ditches that feed a few of the farmers, a token few taro farms, but on our farm there is no water.

We produce this half million pounds of nuts by sheer grit and being able to get the production out of the orchards that we have. We're also growing bananas, papayas, opening up taro fields. We're going to need more water for that agricultural supply out there.

I speak for all of the small farmers around me, I think it's very, very important -- I support what Mr. Smith

testified to, that I think it's in our mutual powers and concerns to make sure that whatever the agreements are between the county and the new Wailuku water company be that which would be in the best interest of the public's concerns and needs.

I'm surprised that it's taken so long, and it may take even longer before that water gets back into public hands. I'm appalled by the fact that this is one of the few places in the world where a private sector can control our water and our destiny, much less take such abusive markups on the water. Mr. Smith spoke about 6 cents a gallon.

I own the very back portion of Waihe'e valley,
there's very, very little water, if ever, that flows through
there. If there is a cost, it's the meager maintenance, or
I should say lack thereof, of those ditches, Waihe'e and
Sprekels, that cross my property, an entire mile and a half
length of it. I see no repairs going on at all ever; I see
no maintenance. So zero cost.

And when I wanted to get water, either my riparian
water rights and/or any water, it had to be in a bulk
contract with Wailuku Ag. I was not going to be held under
duress to a contract that I thought I was making a deal with

the devil, because I don't believe I needed to buy it from a private water source; that it should be a part of what we need to sustain agricultural use for just our own needs.

I'm a successful business person; I own two computer companies on the mainland. I'm not privy to the political maneuvers and innuendos that are necessary to get a job done. In the capitalistic world that I live in, if it doesn't make economic sense nobody should do it.

I do support that there is now action by the mayor. I don't know what the frictions are between mayor and the various councils. I don't see why the county should

pay a dime for that public resource. If it's a legal battle, I would support it a hundred percent and I would help finance that battle. I just think it's absolutely appalling that it's not in public hands, and that we're all not outraged by the fact that we would be held hostage by a private sector.

I believe I can close in what I think is the appropriate Hawaiian term, aloha aina aloha kai. I hope I didn't abuse any of the native Hawaiian language. We only should take what we need and not let the rest of it be wasted or abused or used as a vehicle for financial gain

that there is no need for. Absolutely no middleman should be in the middle of that water supply issue. That's my testimony.

CHAIRMAN VICTORINO: Thank you. Questions for

Mr. Varel? Ms. Parsons?

MS. PARSONS: John, you had one of the -- copies of one of those contracts that Wailuku Ag was giving to all the developers --

MR. VAREL: Yes.

MS. PARSONS: -- withholding the water rights from the land?

MR. VAREL: Yes.

MS. PARSONS: I've seen one too. My issue is that, along with the fact that this watershed area, as I understand it, they don't have a clear title to it. And is that -- did you find that true on some of your lands, that there was not a full clear title to portions of it when you get up that high?

MR. VAREL: I don't know the particulars of Wailuku Ag's property, the watershed above me, my property borders that watershed. When I went into contract with Wailuku Ag, I had a contract that was to be quitclaimed

over, no clear title. But I spent the necessary legal fees, which were astronomical, to get clear title on my thousand acres.

MS. PARSONS: So that was my point, and that's one of the discussions I would like to have with all of us when we get into this subject, because it's very important. And if you would, could you explain the difference between the quitclaim and the clear title, just for the board?

MR. VAREL: Basically -- I'm not an attorney and I don't know the legal definition to the letter of the law of either. But one simply means that there can be -- in a

quitclaim, you buy it as is. If there are going to be disputes as to whom the previous owners might be, that will be between those private parties.

Mine went through a title company and I have clear title, that there are no other disputes as far back as the records are on the books. Oversimplified answer again.

CHAIRMAN VICTORINO: Thank you.

MR. JOHANSEN: Mr. Chair?

CHAIRMAN VICTORINO: Yes, Mr. Johansen.

MR. JOHANSEN: This hasn't come up while I've been on the board, and I'm not at all clear about this. It was

my understanding, just from what little I know, that the reason Wailuku Water was charging the county for this was because there was some element of transmission that they felt was an expense that they could pass on to the county in order to make this water available. Or generation. I don't know which it was.

I would like to be clearer about all of this

because -- and I'm sorry that corporate counsel isn't here today, so that we can understand what the legal position of the county is and -- is it -- I'm sorry.

CHAIRMAN VICTORINO: Well, Mr. Kushi is not here,

but -- I apologize.

MR. JOHANSEN: Well, let me ask, what is the county's legal position, what's the history of this as far as you know, and respond to what might happen if this proposal for agreement doesn't take place. What happens if it has to go to the courts?

MR. GIROUX: Well, I personally haven't been privy in any of the negotiations. I think -- and I don't know if Ed has either. But it could be something that could be transmitted to corp counsel if that's a concern of the board, and they can look into it to see what the position is

and try to respond to that.

CHAIRMAN VICTORINO: I think there's a number of things that need to be answered. First of all, none of us have seen or have been privileged to this contract or this agreement that's been so far ratified by the mayor or brought forth by the mayor. I don't know if we can request that, but that would be one of my requests to the department and to the mayor, that we get copies of that and we need to review it. I agree with Mr. Smith.

It's hard to advise people when you don't know

what the mayor has gone ahead and done. And we read in the

paper just like you. And I was very upset that I read it in that manner, that nothing was transmitted to us, you know. We have a copy of the letter from Mr. Chumbley, yes, but nothing on the agreement. And I'm not sure why and maybe that's where corp counsel can advise us, when do we have the right to know what's going on?

I think we should in all cases have the right.

Unless there's some litigation and that would go into executive session. I'm not sure if that's the exact way to put it. But I think these agreements are being made without any knowledge, and we're reading about it in the paper just

like the rest of the public, and I think that's very, very
disconcerting.

I think Mr. Smith brought up some valid points.

And maybe it's time we need to stand up and say, No more, we
need to be advising you, let us know what is going on. And
not be so passive anymore.

MR. GIROUX: Just one suggestion. When you do
come -- when an agreement like this comes to light and it is
on the agenda, you can ask corp counsel, you know, to make a
comment on, you know, whether or not the board should have
reviewed it prior or -- you know, to frame a question that

you're going to get an answer that could help you establish some kind of guideline or protocol in the future to establish a type of track record as far as, you know, what types of agreements are agreements that you need to review as opposed to agreements that may jurisdictionally be outside of your jurisdiction.

So it's a matter of -- in boards like this, you want to explore what are your jurisdictions, what are your duties. And sometimes it has to come up by a case-by-case basis, so the corporation counsel has something to look at and say, Okay, what is this contract about? And then we can

work from there and that will help us to focus on what your powers are.

CHAIRMAN VICTORINO: And I thank you for that advice. However, the other side of the coin is that we would like to know that there is an agreement being pursued. I think that's what we're asking. You know, that if we know there's something that we can ask, we can go to corp counsel; but if we don't have any idea or we hear hearsay or things out in the community, then all of a sudden it pops up in the paper, then, again, it's real difficult after the fact to go running in and say, Can I see it? So I think

there's two discussions right now.

Mr. Johansen?

MR. JOHANSEN: A long time ago, a very good lawyer named Brendan Sullivan (phonetic) sat in front of a subcommittee and they wouldn't give him the time of day, and he said, "What am I, a potted palm?" And that's exactly what I feel in many respects in relationship to what's going on in the county.

CHAIRMAN VICTORINO: Well, I want to keep to the subject matter and to the public testimony, and we can take this matter up at a later point.

Yes, Ms. Parsons?

MS. PARSONS: I think you made a real interesting point. I just want to clarify what you said about the macadamia trees. So they are fruiting; right?

MR. VAREL: Yes. Macadamia trees need about 60 inches of rain a year. Anybody who knows the Waihe'e waters, rain falls about 30. So we're literally at about half production, and simply because I have no access to any of that water, that 50 to 60 million gallons that flow on my property.

MS. PARSONS: All right. Just a couple of

questions here for clarification. My understanding was the reason that the mac nuts closed down was because they weren't male/female trees. Was that just a bogus --

MR. VAREL: On my thousand acres with my 15,000 trees, it is bogus. 500,000 nuts, I have a very profitable farm and operation. I had to invest a half million dollars to get it automated, we don't manually pick every field. We have to keep them maintained, proper nutrients back on to the soil. It's organic at this point, and I hope to keep it that way.

It is at some percentage of its full production,

but that doesn't take -- I have 550 acres in ag, about 400

of it might be in macadamia nut orchards; there's another

150 acres of prime ag land for any other vegetable or fruit

crop that will need a lot more water, and could supply a lot

more domestic jobs for the appropriate people who want to

work in agriculture. So, if that answers your question.

MS. PARSONS: When you took over that property,

and I heard this from other landowners around there, because

it hadn't been maintained and it was left to just flourish

by itself, did you have a big rat problem?

MR. VAREL: Yes, we did. We eliminated most of it

by simply cleaning up the orchards. When we came in, there was 14-foot-tall grass; you couldn't tell the grass from a mac nut tree. It's taken us three years to get this to where -- and the board is welcome to come see both the ditches, the water supply, the intakes, as well as the farm.

You could -- it's a park today. It is. You could eat off of the ground literally, people could picnic underneath it. It is clean, the lawns are kept, the orchards are kept to a lawn length, the grass is kept to a lawn height allowing us to be able to easily pick up the nuts.

MS. PARSONS: How did you get rid of the rats?

And I'm going to water with this, so just bear with me.

CHAIRMAN VICTORINO: Let's keep on the subject.

MS. PARSONS: How did you get rid of the rats?

MR. VAREL: A combination of -- well, first,

cleaning it, and I assume they ran to my neighbors. Sorry

fellow farmers of Waihe'e.

MS. PARSONS: What did you use?

MR. VAREL: I used poison bait one time, and that

eliminated 99 percent of the problem, plus cleaning it.

Because once it's cleaned, they have nothing to forage on.

When I took over the orchards, it was five to seven years dormant. Five to seven years of macadamia nuts on the ground. Very bountiful crop. I thought I had squirrels, I didn't know they were rats, they were so big. They didn't run from us, they didn't know who human beings were.

MS. PARSONS: I saw one in the trees out there one day on one of the properties --

MR. VAREL: I thought it was a flying squirrel the first time.

MS. PARSONS: It was huge.

MR. VAREL: They're huge, yes. So they're almost

domesticated in and of themselves.

MS. PARSONS: They're well groomed. They look like cats in the pet store. The reason that I ask this question is because when you bait them and they die, they go to the streams to die in the streams. So this is something that needs to be brought up. Because we're taking surface water at this point, guys, and we're adding it into --

CHAIRMAN VICTORINO: We're moving into a different direction --

MR. VAREL: Yes. The streams aren't running on my property. They're cut off by Wailuku Ag. I'd like to say

that they are there, but they're not. And these were up in the trees, and most of the rats, quite frankly, go back into their homes. They don't go back -- they can't run anymore. They'll go back into their homes and die, which is under the ground.

CHAIRMAN VICTORINO: Thank you for that clarification.

MS. PARSONS: Thank you.

CHAIRMAN VICTORINO: Any other discussion? Thank you, sir. I do appreciate it.

Any other public testimony? I saw somebody. Sir,

would you come forward and introduce yourself? I didn't get your name, and I apologize.

MR. KURTZ: Jonathan Kurtz.

CHAIRMAN VICTORINO: Mr. Kurtz, have a seat right there. Who do you represent?

MR. KURTZ: I represent Living Waters, whose property is 550 acres of -- adjacent on the south side of John Varel. We also have quite a number of mac nut trees, but we're not actively farming them right now. I'm working with USDA to help us get to that point. And I would like to add to his comments about the water usage.

We do have 20 acres of farmland that would be on our east border and it's being actively farmed by certain groups of farmers, have been farming there for 15 years, are now and have been buying water at 80 cents; now the going rate is 80 cents a thousand gallons from Wailuku Water Company. And we -- they need that water all the time because they're, you know, they're growing produce. So that's one need.

We will down the line need water and we do have those ditches running, the same ones, the Waihe'e ditch and the Spreckels ditch. We also have another ditch, which is

the oldest one, on top, which we're negotiating with DLNR to obtain the water out of there for our purposes. And also we have a well there that we can't pump because of problems with, I guess, these -- what we're doing right here.

I approve of the fact that you folks are interested in, you know, getting the right to manage, I guess it is, the aquifer and/or the water that's being taken out of the streams. Somebody ought to manage it. At this point, I'm kind of wondering, and so are a lot of other people, what the legal aspects are of Wailuku Water Company selling river water or stream water and --

CHAIRMAN VICTORINO: Surface water.

MR. KURTZ: Surface water. We have just recently, you might say, exposed two dumping sites that Wailuku Ag or Wailuku Water Company uses, we showed those to the board of the DLNR, the water board, and they saw them for themselves.

So I think what you folks are doing here is probably in line with the surge, hopefully, the surge that's coming up here, and that is to change this, I call it a plantation etiquette or plantation attitude, that is, you know, we do what we want to do and we don't need to inform you about it. So I hope that you folks continue on with

what you're doing. And maybe we can get all the people --
or at least, you know, advised to what's going on.

CHAIRMAN VICTORINO: Thank you. Yes, we'll
continue that. Any questions or comments?

VICE-CHAIR OKAMURA: What was the last name?

MR. KURTZ: Kurtz, K-U-R-T-Z.

CHAIRMAN VICTORINO: Ms. Parsons?

MS. PARSONS: You referred to this agreement
again, did you sign one of these agreements with Wailuku Ag
to purchase the water?

MR. KURTZ: It was signed a long time ago. I

don't know if it's a new type of agreement or not.

MS. PARSONS: When you say "a long time ago" --

MR. KURTZ: Well, these people have been buying water from Wailuku Ag when they actually owned the property before we bought it, before Living Waters --

MS. PARSONS: How long ago was that?

MR. KURTZ: Twenty years. These are past -- most of them are past employees or were employed by Wailuku Ag.

MS. PARSONS: These agreements that are 20 years old, where Wailuku Ag sold property and now -- and they withheld the water rights and sold the water rights back to

the landowner; is that correct?

MR. KURTZ: Yes.

MS. PARSONS: All right. If that's a water issue,

Corp Counsel, I've got a question for you. If it's a water issue like that, do we have a right to investigate something along that line, when we know that the water goes with the land, Rapoon and McBride (phonetic), both of those case laws have said that the water goes with the land, do we have a right on behalf of the public to investigate that type of a contract to see if it's valid?

MR. GIROUX: I could have corp counsel look into

that to see what kind of jurisdiction the board would have
as far as getting into those types of contracts.

MS. PARSONS: Thank you.

CHAIRMAN VICTORINO: Okay. Any other comments or
questions? Mr. Kurtz, if not, thank you very much, sir.

MR. KURTZ: There is one thing, is it possible to
know about these meetings in advance?

CHAIRMAN VICTORINO: We do publish it. And
they're usually the third Thursday of each month.

MR. KURTZ: You publish it --

CHAIRMAN VICTORINO: A public notice is put out

for the meetings.

MR. KURTZ: -- in the paper?

CHAIRMAN VICTORINO: I think -- do we put it in the paper? In the website. It's on our website.

MR. KURTZ: Very good.

CHAIRMAN VICTORINO: But it's the third Thursday of every month.

MS. PARSONS: The agenda is also on the website.

CHAIRMAN VICTORINO: No more public testimony?

Okay. If not, I'll move on to Unfinished Business.

Starting with the Director's Report 05-16. Report on

Dowling Well Agreement. And that is on pages 4 through 49.

Mr. Tengan, will you be speaking or will one of your staff members be speaking on this matter?

MR. TENGAN: Mr. Chair, I guess I'll call up staff, before I do that, we do have a staff report here, two pages.

CHAIRMAN VICTORINO: 4 and 5?

MR. TENGAN: Yeah. Describing the agreement. So if the board has any questions regarding the agreement, then we can have staff participate in the discussion.

CHAIRMAN VICTORINO: Do you have the reports in

front of you and the two-page synopsis on pages 4 and 5?

Are there any particular questions that you would like to ask and that way we can call up whoever staff members.

Mr. Okamura?

VICE-CHAIR OKAMURA: Just one question. The 700,000 gallons, that would come from which system?

MR. TENGAN: 738,000?

VICE-CHAIR OKAMURA: Yeah.

MR. TENGAN: Actually, that water is coming from the lower Kula system. What the well did was, in the past, before we got the well, we used to treat water at Kamole and

send it up to Pookela and then back down into the Haiku area. However, with the Kaupakalua well, we can now service the Haiku area pretty much with the well there, so we don't have to take water from the lower Kula -- Kamole system or the lower Kula system and send it to the Haiku area.

VICE-CHAIR OKAMURA: But then the Dowling project itself, the Kulamalu project itself is getting water from the lower Kula system?

MR. TENGAN: Right.

VICE-CHAIR OKAMURA: Thank you.

CHAIRMAN VICTORINO: Any other questions? I

assume by now, no questions and everyone is comfortable with the agreement, and as far as it's being presented?

Ms. Parsons?

MS. PARSONS: Mr. Tengan, since you have -- you've got an accounting background and this was really before you were director, is this the type of agreement you would want to use in the future or would you restructure? How do you feel about it?

MR. TENGAN: We are talking with a couple of developers and addressing, you know, their desire to develop source for their projects, and so we are entering -- or we

will be entering into similar kinds of agreements, but there are certain lessons learned from this agreement here that we would probably apply to any new agreements we enter.

VICE-CHAIR OKAMURA: What would be some of those?

MR. TENGAN: Well, I can't recall them right now.

But, you know, there were a couple of issues with this agreement here that need to be addressed and any future agreements that we enter into.

VICE-CHAIR OKAMURA: Right now, when the department was run by the -- was under the -- the department was semiautonomous, the department could enter into

agreements with the approval of the board.

MR. TENGAN: The board would enter into those agreements, not the department.

VICE-CHAIR OKAMURA: Currently, who enters these agreements?

MR. TENGAN: The mayor.

CHAIRMAN VICTORINO: Anyone else have any questions or discussions? Okay. Again, thank you for the information. I think now, at least, most of us have had a chance to review and understand a little bit better.

Moving on to Director's Report 05-21. DWS Fiscal

report for 2006 1st Quarter Program Performance Measurements (sic), Vacant Position Report, and Grant Revenue Status Report. Those are on pages 50 through 63.

Mr. Tengan, do you want someone to come up and give an overview on this?

MR. TENGAN: Yes, Mr. Chair, we have several division representatives here, so -- and these reports are broken down by divisions. So if the board members have specific questions regarding these reports, then we can call the staff members up.

CHAIRMAN VICTORINO: Okay. Why don't we start

right from the beginning, Administrative Program. Are there any questions board members have in this area? Mr. Okamura?

VICE-CHAIR OKAMURA: You know, it seems that this report -- you guys have three goals here, it seems like you guys do a lot more than this, but it doesn't show on this report. Why is that? You guys do a lot more different things --

MR. TENGAN: You mean for administration?

VICE-CHAIR OKAMURA: This breaks it down into informing -- communicate information concerning water issues to the public, to train Department of Water Supply

Employees, and to provide support to the board. Those are things -- you do much more than that. This is just a small part of what they do.

MR. TENGAN: If you're talking about department-wide, yes, we do more department-wide, but those activities would be covered in the division reports. But right here we're reporting primarily on the administrative function of the director's office.

CHAIRMAN VICTORINO: So you're basically saying that each department -- like you have engineering program, water resource and planning program, each one, as I can see,

has their own goals which are aside from your administrative goals, or could be incorporated as part of your administrative goals?

MR. TENGAN: Well, it could be incorporated as a total department report.

CHAIRMAN VICTORINO: Okay. Let's concentrate on one area, and then that way we won't be going off into tangents.

Mr. Okamura, any more on that area?

VICE-CHAIR OKAMURA: Couple more. Do you change these goals every year or -- you know, this is the first

time I have seen that. How did you come up with these goals?

MR. TENGAN: I believe these have been the same for the past two or three years. Prior to the charter amendment, we never had these goals and activities written down, you know, specifically like this. However, we did in our operational activities, we pretty much tried to tie in with the CIP objectives that the board has set for the department, and we operated on that basis. But we never had anything like this prior to the charter change.

VICE-CHAIR OKAMURA: But you plan to review the

department's -- and sort of change the goals, or the goals
are going to stay the same?

MR. TENGAN: Well, the division heads go through
these specific areas and determine how they want to be
measured as far as, you know, how successful they are with
their activities.

VICE-CHAIR OKAMURA: Thank you.

CHAIRMAN VICTORINO: Any more questions or
comments on the administrative program? Moving on to
engineering, which is on page 54. Any questions?

MR. HIRANAGA: Mr. Chair, on page 55 --

CHAIRMAN VICTORINO: Yes, sir.

MR. HIRANAGA: -- Goal No. 3. I looked at performance measures, number of subdivision applications received, 117; number of subdivision applications approved, ten. I think I would like to have an explanation why only less than 10 percent of the subdivision applications submitted were approved. Maybe further clarification.

CHAIRMAN VICTORINO: Mr. Nakamura, would you like to take that on, please?

MR. HIRANAGA: I guess if you continue with process building permits and process construction plans --

MR. NAKAMURA: In answer to your question --

CHAIRMAN VICTORINO: Before we start, can I call for a five-minute recess, because she has to change the tape, so I would rather, before we get going, call a recess.

(A recess was taken.)

CHAIRMAN VICTORINO: Reconvene the meeting.

Mr. Nakamura, you may proceed.

MR. NAKAMURA: In response to Mr. Hiranaga's question, the number of subdivision applications approved, the reason why it's low like that is whenever we get drawings, you know, it has to be reviewed, and sometimes,

for instance, what they are requesting has to be revised.

There's also issues with regard to rules and whether the proposal that they are asking for would meet our water requirements, and this takes a lot of time. So as a result, whenever we get these applications, you know, it may not be necessarily a fast turnaround. That's a large reason why the number that were approved is so low as compared to what we received.

MR. HIRANAGA: But the 117 applications received is for the fiscal year '05, so this number does not include applications received in fiscal year '04?

MR. NAKAMURA: That's correct. And we have some
of those as well as '03 still carrying over.

MR. HIRANAGA: Carrying over.

MR. NAKAMURA: That's right.

MR. HIRANAGA: But the actual number of
subdivisions approved is ten?

MR. NAKAMURA: That's right.

CHAIRMAN VICTORINO: Would that be for 2003, 2004,
and 2005?

MR. NAKAMURA: Only fiscal year 2005.

CHAIRMAN VICTORINO: Only 2005. Anything prior to

that --

MR. NAKAMURA: What was approved could have been something that was applied to '04. But we're just talking strictly the number of applications approved --

CHAIRMAN VICTORINO: For 2005?

MR. NAKAMURA: Yes.

MR. HIRANAGA: These approvals could be for two-lot subdivisions or three-lot --

MR. NAKAMURA: Or ten lots, fifty lots.

MR. HIRANAGA: Only ten projects received final subdivision approval by the Department of Water Supply?

MR. NAKAMURA: That's right. Part of it also is due to -- you know, and I'm not -- all the work turnover has been high too. Until recently, we had just a couple of people doing it, so that also contributes to --

MR. HIRANAGA: Do you feel that's an acceptable level of productivity, or does the department wish to increase that?

MR. NAKAMURA: It's not an acceptable level of productivity. We have been striving to improve that approval rate. We just -- in the last month, which is recently, we were lucky to add on two more engineers on

staff, and one has been assigned to the Upcountry area. So we now have three engineers working in the Upcountry area.

I'm seeing a dramatic turnaround in terms of the number of responses we have been issuing on the building permits, so we touched on the builder permit side too. So if we're given some time, we'll see some improvements.

MR. HIRANAGA: Do the same engineers review building permits versus construction plans approval or is it different engineers?

MR. NAKAMURA: Same engineers.

MR. HIRANAGA: Continuing down to construction

plans approved. Of these 15 construction plans approved, ten of them got subdivision approval.

MR. NAKAMURA: Well, we're talking about subdivision applications, not necessarily construction plans. And again, construction plans also require our guys to go through and review to make sure that what is being proposed for construction meets our standards. And it takes a while to do some of that review.

I've been doing some of those myself and it takes time to, you know, adequately -- and be sure that you check all these different things, because there's a lot of times

that things come in and it hasn't been drawn according to our standards. So we have to mark it up -- put a red mark and send it back to the engineering group that submitted that to us for corrections. So all these things takes time.

MR. HIRANAGA: You need construction plan approval before you can get subdivision approval?

MR. NAKAMURA: Yes.

MR. HIRANAGA: Once you have construction plan approval, you know what to build. Once you build it, you have to inspect it before you accept it and then sign off on it?

MR. NAKAMURA: That's right.

CHAIRMAN VICTORINO: Ms. Parsons?

MS. PARSONS: When you're doing subdivision approvals, are you also putting in -- is it your department putting in pipes, fans, and the hydrants? Do you review that as well?

MR. NAKAMURA: We review that as well as part of the review.

MS. PARSONS: Would that be something if the fire department took over, would it help to eliminate some of the backload for you and let them review it and approve?

MR. NAKAMURA: Well, you know, couple of things, when you put in hydrants, you have to have proper pipe sizes to have proper flow rates and all of that. Basically, what you really need is an engineer that's experienced in this area to basically review. I know we have rules with regard to spacing of hydrants depending upon the zoning of the property, and this and that.

So I don't know if that particular thing could be assigned to the fire department, just because of the engineering -- unless they hired engineers on their staff to review those things. But right now, I know they don't.

MS. PARSONS: I was just going to say that that might be something that -- an area -- the other one is with the Upcountry area, you've been privy to the Boyle (phonetic) reports and things like that, yes?

MR. NAKAMURA: Somewhat. I haven't followed closely as far as what they have been doing. I have picked up from time to time some of the issues that they have been dealing with.

MS. PARSONS: On these new subdivisions, would it be something that we would want to maybe consider as part of their infrastructure when they're putting in these new -- to

put in some type of additional disinfection going into these new lines to keep the -- you know, the problems that we have Upcountry with the biofilm that does exist that we try to keep down.

But if they had at the beginning of their new lines of the subdivisions some type of filtration or ultraviolet might help keep those lines clean so we don't muck up brand-new developments, is that something we might want to consider making a part of the new subdivision requirements or look into from a water quality?

MR. NAKAMURA: I don't know if I can comment on

that right now. We have to look into it and see. I'm not sure what the cost would be to do some of those things.

MS. PARSONS: It would be their cost, but I'm thinking --

MR. NAKAMURA: But we would have to maintain it.

MS. PARSONS: Well, I don't if -- well, maybe, yeah.

MR. NAKAMURA: These are some of the issues we have to look at and consider.

MS. PARSONS: That's true.

CHAIRMAN VICTORINO: I think that's something to

consider. Why build a subdivision if inherent problems are

going to be going into a new system if we can avoid it from

the get-go.

MS. PARSONS: We know right now that if we had substations, which is not affordable, but we know if we had these -- and this is one of the things that Doyle (phonetic) was saying or Dureso (phonetic), if we had substations around, that would help clean up what we got going. Well, if you got new subdivisions coming in up there, maybe that's something to consider that they have to put in at the beginning of the line.

CHAIRMAN VICTORINO: Okay. Thank you.

MR. TENGAN: Mr. Chair, I just want some clarification from Mr. Hiranaga.

CHAIRMAN VICTORINO: Yes, go ahead.

MR. TENGAN: Kent, would you feel that these reports would be more meaningful if they also reported overlapping activities, like, let's say, in -- something came in in the fiscal year '04 but it got approved in '05, that it be reported as subdivision application approval for '05?

MR. HIRANAGA: Well, I think that would be a lot

of clerical work, because in some subdivisions if the applicant doesn't respond to the conditions from the department in a timely fashion, he could have the application pending for years. It would seem like it's the department's fault when it's not. Because you can't assume that the applicant is going to respond immediately upon receiving conditions --

MR. TENGAN: I just wanted some clarification.

MR. HIRANAGA: -- so to show carryover, I don't know if it would be that much more helpful for the effort to track that type of information.

CHAIRMAN VICTORINO: Okay. Any other questions?

If not, let's move on to water resource and planning program. 56, 57, and 58. Those three pages. Any specific questions? And I would try to avoid going into the legislation that is pending before the council, we'll be discussing that matter a little bit later. So let's kind of stay on this report and what this report is telling us.

Anyone have any questions? Mr. Okamura?

VICE-CHAIR OKAMURA: Regarding the Goal 1, water use and development plan, 26 percent complete. That would be by the end of this year? End of this next fiscal year

would be 26 percent completed?

CHAIRMAN VICTORINO: Would you introduce yourself
before you speak, please?

MS. KRAFTSOW: I'm Ellen Kraftsow. I'm the --
based on -- actually on -- we talked about the -- water
resource and plan -- we base that actually on -- we talked
about it, we didn't want to overpromise, but we based it on,
like, the number of islands, and then -- or the number of
districts, there are six districts. So Lanai we're saying
is essentially done, 99 percent. It's in a draft and it's
out. There are going to be changes. We got some

information from the company -- they simply would not give us until we published the document. And they did not like what we put in there, so they gave us the right data now. But it's basically done.

By the end of '06, Central Maui and Upcountry should be well along the way. So that's those two districts plus -- I don't remember the exact formula I used, but it was basically by district, a percent of districts -- I think we're supposed to finish those at the end of '07.

VICE-CHAIR OKAMURA: Thank you.

CHAIRMAN VICTORINO: Any other questions for

Ellen? Okay. Thank you, Ellen. Do you have any other
comments you want to --

MS. KRAFTSOW: No.

CHAIRMAN VICTORINO: Okay. Moving on to 59, water
treatment plant --

MS. PARSONS: Wait a minute. I have one on 3.

CHAIRMAN VICTORINO: Well, I asked twice and no
one said anything.

MS. PARSONS: I'm sorry, I thought you were just
talking about Ellen's.

CHAIRMAN VICTORINO: What page?

MS. PARSONS: 57.

CHAIRMAN VICTORINO: What's the question?

MS. PARSONS: Providing planning support and research necessary for regulatory compliance and water quality protection. Is that you, Ellen?

MS. KRAFTSOW: Yes.

MS. PARSONS: You have just well-head protection in here and aquifer and resource monitoring. What about EPA rules, who handles getting that information out?

MS. KRAFTSOW: We maintain a regulatory calendar.

She updates it. It doesn't end up being quarterly, but we

maintain it. It's assigned to Alva. And it's updated.

MS. PARSONS: And who gets it? Do you have meetings on it?

MS. KRAFTSOW: That's a good point. It's on our division's S-drive, but I don't if -- we used to distribute it regularly. I guess we haven't been doing that for a while.

MS. PARSONS: Because we had a couple of mishaps this year, and the reason it was given out -- this year and last year -- the reason it was given out -- the reports weren't given to the DOH and the EPA in a timely manner was

because they were going by the old rules that were changed
in the year 2000.

So, apparently, maybe the whole staff -- is that
something you could have staff meetings on and go over
updates? And especially with all the new microbiology rules
that are coming out, what we're going to have to start
looking for and -- I think it would be good for the entire
staff, engineering personally, and the guys in the field to
be aware that these things are coming up and there are
changes going and that we need monitoring on.

MS. KRAFTSOW: We'll send that to the director.

I'm sure we could probably do that. I know that DOH does communicate directly with the people involved in any particular regulation, so if there's any new lab test, they'll send it to the lab. A specific notice. And I'm sure there could be things we would miss, too, that they would already get.

MS. PARSONS: Maybe we need to have people sign off on some new regulation, that they have seen it and that they are aware that it's got to be reported if it comes up. Because it's a very big public issue that these things get transmitted properly, and not sit there for months without

people knowing. That's one of the problems we're having

Upcountry.

MS. KRAFTSOW: In all fairness to what we've been

doing with the regulatory calendar is a summary of each

regulation and how it affects us. So it doesn't have every

single -- every sampling site and -- when they want us to

change -- where we're sampling. It doesn't go into that

level of detail.

MS. PARSONS: Who does have that, though?

MS. KRAFTSOW: That level of detail? Usually the

affected division that's working on it gets direct

correspondence from DOH. They're in communication with DOH.

MS. PARSONS: Do they copy Jacqi?

MS. KRAFTSOW: I don't know. DOH, you mean?

MS. PARSONS: Uh-hm.

MS. KRAFTSOW: I would think DOH would copy --

MS. PARSONS: I mean, they should -- the public

relations department should have a copy of it, I would

think. If they have it down at the baseyard, public

relations should be aware of what the rules and regs are.

That's my personal opinion.

MS. KRAFTSOW: As far as our calendar, we'll make

a point of distributing it. Thank you.

MS. PARSONS: Thanks. Now I'm done.

CHAIRMAN VICTORINO: Anything else? Now moving on

to water treatment plant, plant operation and program.

Pages 59 -- page 59. Any specific questions in that area?

Ms. Parsons?

MS. PARSONS: Going into the highest quality

potable water needs to meet all state and federal

requirements. While we're meeting the state and federal

requirements, does anybody from this department here --

CHAIRMAN VICTORINO: I don't see Paul.

MS. PARSONS: I don't see Paul. So my question is -- it needs to go to Paul. Can we bring this back on the agenda for next week when Paul can be here, or next month when Paul can be here, or the following month?

VICE-CHAIR OKAMURA: Maybe you can ask the director the question.

MS. PARSONS: I think he's going to defer to Paul on this.

CHAIRMAN VICTORINO: What is the question?

MS. PARSONS: Well, the requirements are sufficient in most areas of the United States that have

fruits, but the tropical areas right now, we're finding that they need to be a little tighter. And I'm wondering whether we might need to send somebody like Paul to some of these meetings, whether he feels maybe they need to be a little tighter too.

And it's more of a question, because he's in charge of water treatment, how he perceives this. But there are a lot of seminars going on right now, workshops, where they're focusing on the different areas.

For instance, if you got bacteria outbreaks that we have Upcountry, in Minnesota they freeze out, so they're

not as bad in Minnesota as they are here. Tropically here they continue to grow. So there's stuff going on that they're learning all the time.

And that's what it was, it was a question of what's -- you know, let's see how he feels. If he thinks he needs some more -- if it needs to be tighter, then we need to help go to legislation.

CHAIRMAN VICTORINO: Well, I defer that to the director.

MR. TENGAN: Yeah, Mr. Chair, I can respond.

Whenever Paul or his staff feels that there are necessary

training sessions or seminars that they need to attend, they submit the requests, and I would normally approve the requests for, you know, continuing education. So we do address changes in the rules and EPA requirements.

And in spite of what's being said about internal communications, whenever I get something from the Department of Health, I do send out copies or make copies for the affected divisions, and I do copy Jacqi also.

CHAIRMAN VICTORINO: Okay. Thank you. Nothing else on the water treatment? I'll move to field operations. Anybody from field here?

MR. TENGAN: If you have any specific questions,

Mr. Chair, I may be able to answer.

CHAIRMAN VICTORINO: Any specific questions on the

field operations?

Yes, Mr. Okamura.

VICE-CHAIR OKAMURA: Thank you. The mainline

replacement in '05 is 21,000; in '06 it was 8,000. How do

you go -- because you guys put down what you need to do,

right, on this report? It's not that you have to replace

more lines than is stated here, or is this -- maybe it's a

stupid question.

MR. TENGAN: These in-house jobs that we do where there may be a small section of a pipeline that needs to be replaced and wouldn't warrant putting a contract out on it, we would do it in-house.

VICE-CHAIR OKAMURA: So this is what that is?

MR. TENGAN: Yes. And if you notice on the Goal 1, you know, this is the flushing program that we went into last year and we requested five labor positions. So if you notice, these are the number of hydrants in total that we have flushed to date.

CHAIRMAN VICTORINO: So with those additional

positions, you are able to enhance and --

MR. TENGAN: Yes. We can do that on a regular basis without having to worry about pulling them off and then sending them out to another job. These five people are dedicated to flushing.

CHAIRMAN VICTORINO: Very good. Anything else on that area of field operations? Hearing none, moving on to plant operations.

MS. PARSONS: Just for clarification purposes. Does everybody on the board understand the purpose of flushing?

MR. JOHANSEN: I think so.

MR. HOLMBERG: I believe so. I'll just state briefly, I believe it's to keep the organics from building up in the lines Upcountry. And I'll just leave it at that.

If I'm grossly wrong --

CHAIRMAN VICTORINO: That's basically a general chronology. That's about as clear as you can make it.

MR. HOLMBERG: Thank you.

CHAIRMAN VICTORINO: That's good.

Okay, plant operations? Yes, Mr. Okamura.

VICE-CHAIR OKAMURA: For Goal 1, bacti sampling,

you guys going to perform much more sampling next year -- or
this year?

CHAIRMAN VICTORINO: 2006.

MR. TENGAN: Yes. It's projected to be about
10,000 sampling, I guess. And to date, we've done already
1700 for the first quarter. So if you extend it out or
annualize that figure, it would be sampling somewhat less
than 8,000. So I don't know where -- if there's a
deficiency at all, but that's something that the lab would
need to take a look at.

VICE-CHAIR OKAMURA: You are doing more this year

than last year because? Why is that? Why are you doing

four times more or five times more? Yeah, I wanted to know

why. Is that for the Department of Health or because of the

Upcountry led problem?

MR. TENGAN: I would think because of the

Upcountry issues, that would be primarily it.

CHAIRMAN VICTORINO: Any other questions? I think

that completes our review.

Moving on to Director's Report 05-07, which is

actually a copy of the letter from Mayor Alan Arakawa to

Mr. Avery Chumbley, president of the Wailuku Ag Company,

Incorporated, dated November 1, 2005. Request for Voluntary Restoration in the Iao and Waihe'e Streams.

You have copies in your packet and they are on page 64 and 65. I open the floor to discussion.

MS. PARSONS: We're going to discuss this?

CHAIRMAN VICTORINO: Well, I mean, we'll stay within the parameters of the letter itself. But go ahead, Ms. Parsons.

MS. PARSONS: I thought it was interesting that we had all of the folks come in today, and I really appreciate the fact that they did. And they did bring some points up

that I think are really quite valid.

I have had a concern -- and I know that there's a map that exists some place, George, that David showed us at one point with the -- we had it up on the wall in the boardroom. And the top layer of it, as I recall, was all in yellow. And when I asked what that was, that was area, that was a watershed area, and the yellow was the fact that there was no clear title on that property.

Which, if you can find that map, I think it would be a great map for the board to see.

CHAIRMAN VICTORINO: I think the original map

probably burned up, because that was on the board on the wall.

MS. PARSONS: No, it went away.

CHAIRMAN VICTORINO: It was up there?

MS. PARSONS: No, it was put away, because we haven't had it for a while. It took all of this area up here and it designated who owned what. It's in the file someplace, I'm sure. But we didn't keep it up there, it didn't stay.

My point is on this, how -- legally I'd like to

know how valid these agreements are when we don't get the

chance to review them first. Are we -- these are questions that we need to probably pose to corp counsel. If we're supposed to be the advisory board and we're not advising, how legal are these questions to begin with?

But if this area is not clear title and we're just looking at a water path, has the mayor, when he's making these decisions on these deals that he's making, has he had somebody appraise the value without the land? And what is the value? And whether it can be bought just water -- or waterways, to begin with, can it be bought, period?

And if it's X amount of dollars, if it's in the

millions, would we not be better off to pipe it down ourselves and not -- and maintain the public trust, rather than pay an exorbitant amount of money? I mean, those are things that I would balance.

I'm uncomfortable with the fact that, you know, the Hawaiian community owns that property up there, and it's their property when it's not quitclaim -- when there's no quitclaim deeds on it, it's still belongs to somebody. And how we can buy it when there's no clear title is something I think we need to look into.

VICE-CHAIR OKAMURA: I have a question.

CHAIRMAN VICTORINO: Yes, Mr. Okamura.

VICE-CHAIR OKAMURA: Can we bring this up as an agenda item for the next meeting? I think it's all -- the issues related to this. And maybe specifically what you wanted, and add it as an agenda item for the next meeting, and then we can discuss it more in depth and get material that would help us to answer.

CHAIRMAN VICTORINO: Okay. I'll put that down as an agenda item for the January meeting.

MR. JOHANSEN: I think it would be helpful if we have questions, that we pose them to corporate counsel

before the meeting, so that we don't have to shove it back again because he has to look into it. Maybe we can get some reliable answers at that meeting if we do that.

CHAIRMAN VICTORINO: So what I would then ask

board members, if you have specific questions on a specific subject matter relating to corp counsel, that they need to be forwarded to corp counsel. You can cc me a copy and that way I know what is on there and then I can at least meet with corp counsel before the meeting and make sure all these things are addressed.

Is that fair enough for you, Corp Counsel? I'm

not saying you got all the answers, but at least you know
what we're asking for. Is that fair?

MR. GIROUX: Yeah, you know, I'm not the regular
attorney, so --

CHAIRMAN VICTORINO: I understand that. By the
way, and I apologize, I never asked your name. Please
introduce yourself.

MR. GIROUX: James Giroux.

CHAIRMAN VICTORINO: Nice to meet you, sir. I'm
sorry.

MR. GIROUX: I'm not sure what protocol you use
with this board. What I am a little used to is, you know,

if a question comes up and it's posed and we can't quite answer it, you know, on the record, that a letter be generated to our office kind of memorializing the question.

And then what happens is, it's generated as a work order kind of, you know, so it's something in our office that we can track, and then that way the line deputy, either myself or Ed, would start working on it, and then Brian would have a chance to review it. As far as, then, when it comes down, it comes down as an official memo, and then it has more weight, you know, once it has -- it's memorialized, it's in writing, it's been basically ratified by the head

corp counsel.

So I think if that helps, you know, in generating a process to get answers that, you know, you can rely on and look back at and say, you know, well, we have this memo from corp counsel. And I think that would help.

MS. PARSONS: Can we put it in, Mike, put in a letter form that has points? Because I have two questions that I would like to pose.

CHAIRMAN VICTORINO: Okay. Why don't we do that, and then we can then put it to corp counsel and work it from there. If you have questions, Ralph, you have, or anyone

else, get them to me before the first of the year, that way

I can then generate a letter and send it up to corp counsel,

and I'll make sure I cc copies to you folks when I send it

up. Is that fair?

MR. TENGAN: I would like to offer a suggestion,

knowing the workload of our corp counsel. I think it would

be helpful to him if the board could identify the agenda

item and direct your questions towards that.

CHAIRMAN VICTORINO: A specific agenda item, like

the letter and agreements?

MR. TENGAN: Correct.

CHAIRMAN VICTORINO: Okay, yeah, that's fair.

MR. TENGAN: Otherwise, you know, he may be having questions coming from all directions and not necessarily related to each other.

CHAIRMAN VICTORINO: Okay.

MR. GIROUX: It's hard for us to field questions in the light of hypotheticals. It's a lot easier to, you know, when there is an agenda item and there's either a document that's referred to or a transaction that's specifically mentioned, it helps us to put it, you know, the answer in context of a specific answer.

CHAIRMAN VICTORINO: I think the letter and the agreement that is in the works between the Wailuku Water Company and the mayor, I think that's where we're going to address lot of the questions too. Okay?

So let's -- until we get these, I guess it's very difficult to continue discussing a matter that we need answers to. So by the first of the year, by no later than January 3rd, I would ask that be -- so that I can then in turn put a letter and give it to corp counsel, forward it to corp counsel.

MR. HIRANAGA: Mr. Chair?

CHAIRMAN VICTORINO: Yes.

MR. HIRANAGA: My recollection of this map that Ginny was talking about may have been prepared when the Board of Water Supply was having discussions with Wailuku Ag on purchasing watershed lands, and I think it was our independent counsel that may have prepared that, and independent legal counsel who was doing titles research --

CHAIRMAN VICTORINO: Yeah, I think so.

MR. HIRANAGA: He may have prepared that map.

MS. PARSONS: Because I did ask -- I did e-mail

David about that, about what my question was, and to see if

he knew where the map was and he said he was going to look into it. But he said that area up there would have to be quitclaimed because there was no clear title on it.

CHAIRMAN VICTORINO: But before we go any further, I would -- I think we need to address it, you know, those questions, so I can go to corp counsel. And I also will draft a letter to the director, seeing if there's any way he can locate that map, if you can look through your archives.

MR. TENGAN: You don't have to write me a letter.

CHAIRMAN VICTORINO: You will endeavor in that.

Thank you, Mr. Tengan.

All right. Moving along to Director's Report --
Communication. This is Communication 05-08. A copy of the
letter dated October 27, 2005 from Kenneth Okamura, Board of
Water Supply vice-chair, to Michelle Anderson, Chair, Water
Resources Committee, regarding the Water Supply Rules. And
that's WR-1. You have a copy in front of you. Any specific
questions?

MS. PARSONS: Do we have the WR?

CHAIRMAN VICTORINO: No, we don't have the WR. I
think that's on record if you want to pull it up from the
county's records.

MS. PARSONS: I didn't know if everybody else has
it.

VICE-CHAIR OKAMURA: I just want to make a
comment. The reason I signed -- I notice that I signed it,
that was what the board requested me to do at the meeting
that you weren't present.

CHAIRMAN VICTORINO: Well, I had left early, not
that I wasn't present. I left early.

VICE-CHAIR OKAMURA: They asked me to write the
letter. They said, Can we have the vice-chairman --

CHAIRMAN VICTORINO: It doesn't make a difference,

you know, it doesn't matter who this came from. I had no problem with that. But I had left early, and one of my comments to you was --

VICE-CHAIR OKAMURA: I stand corrected.

CHAIRMAN VICTORINO: Yes. And, you know, I had left early, and then they had you do it that day. But had they called me, I would have come back that afternoon or the next morning and signed it and taken care of it. But it was no big deal. Thank you very much. I appreciate your effort in that area.

Moving right along, Communication -- Discussion,

actually, now, of the 2007 Operating Budget submitted to the Mayor on November 30th without Board of Water Supply recommendation.

If you recall that meeting, we were unable to muster up enough votes to approve -- or approve the advising of the operating budget as well as the CIP. So I included for discussion purposes, we had to send it up, and I asked the director to go ahead and forward it with the note that we did not approve the -- there was no recommendation made by us.

So it's there for you to review, but this has

already been transmitted to the mayor's office. And --

Mr. Okamura, go ahead.

VICE-CHAIR OKAMURA: As I was reading -- you know, my concern -- the last time the process was -- we were so limited in time and there were things that the board was bringing up that they wanted to send -- or questions and concerns that the board had that they wanted to transmit to the mayor along with the budget. And we were supposed to have discussed it, I think, at this meeting too.

So, anyway, that's one thing I wanted to bring up.

Whatever else we do with the budget today is okay with me.

I have more questions if we have time for it.

CHAIRMAN VICTORINO: I point out that, again, it's a real difficult process because of the time constraints put on all of us. The various departments have to get their reports made so they can get their budgets ready to bring to the director who then brings it to us, who then brings it -- or supposed to recommend or whatever, then send it to the mayor for his looking over, so he can then send it down to council.

So there's a number of steps we never had to take before that we are now. This is the third year, and I think

we're getting a little better but it's still a little difficult. Then the limitation of the numbers of members at the meeting didn't make it much better. I blame no one. Unfortunately, it's just the way things are. If you want to bring up certain matters, I mean, we can bring them up; we can send a letter of transmittal to the mayor with these recommendations. But this has been sent up to him already; he is in the process of reviewing it. Am I correct, Mr. Tengan?

MR. TENGAN: That's correct.

CHAIRMAN VICTORINO: I mean, if you want to make

anything -- any other recommendations or discussions, I have no problems with that. If not, you can also put it in letter form to me or e-mail me, and I would then forward it on to the director and the mayor. Whichever is convenient for you.

Mr. Okamura?

VICE-CHAIR OKAMURA: I just wanted to have clarification, you know, based on what our role is, the Board of Water Supply's role in the budget process. Budget and CIP process. The charter states that --

CHAIRMAN VICTORINO: We review and advise the --

VICE-CHAIR OKAMURA: The charter states that the board will submit the budget -- the CIP and operating budget to the mayor. So if we can do it at this meeting, I think we need to clarify what our role is so that we know what we need to do. And if it's a non-rule, then we don't have to worry about it. If it's a role that we need to play, then I think we need to have it clarified.

CHAIRMAN VICTORINO: Then, Mr. Okamura, I would ask you to put that as a request, which I would then make another letter to the corp counsel defining that role.

That's a definitive question for the corp counsel. So if

you would do that, I will make sure I put it in a letter form and get it to corp counsel and put it as an agenda item in our next meeting.

VICE-CHAIR OKAMURA: You want me to get the letter to you?

CHAIRMAN VICTORINO: Yes. You can e-mail me, that way I'll go ahead and put it together.

But going back to the budgets, does anybody have any comments they want to make on the budget itself, both the CIP and operating budgets? I think it's clear-cut.

VICE-CHAIR OKAMURA: One question.

CHAIRMAN VICTORINO: Mr. Okamura?

VICE-CHAIR OKAMURA: I -- okay, on page 68, the estimated revenue, anyway, I wanted to make one comment. I think the board did present this to us in a timely manner. I think the board didn't really have the time to discuss the issue --

CHAIRMAN VICTORINO: You mean the department --

VICE-CHAIR OKAMURA: It came down early to the board -- but didn't discuss it much -- maybe we can do it next year. But just this one item of revenues, it's called the Water Supply -- 16,222,000 --

CHAIRMAN VICTORINO: Why don't you stay there,
Ellen and Holly.

VICE-CHAIR OKAMURA: Maybe you can go through with
us on that, on what was that water supply fund.

CHAIRMAN VICTORINO: Holly, introduce yourself so
we know who's speaking.

MS. PERDIDO: I'm a little hoarse. Holly Perdido,
fiscal officer. The water supply fund is basically a
revenue fund that we use to operate the department. And
also this fund has also the debt service fund included in
our carried-forward balance.

VICE-CHAIR OKAMURA: Where does the revenue come from?

MS. PERDIDO: The revenue comes from our fees, our water rates.

VICE-CHAIR OKAMURA: So operating revenue is -- doesn't have -- so the rates goes into the water supply fund and -- so "rates" meaning what we charge the public?

MS. PERDIDO: Correct. But our operating revenue is our rates. This is just like a carried-forward balance.

CHAIRMAN VICTORINO: Yes, Mr. Tengan?

MR. TENGAN: Maybe I can explain it. The water

supply fund is basically a cash balance entering into the

fiscal year.

VICE-CHAIR OKAMURA: Okay.

CHAIRMAN VICTORINO: Members, any other questions

or comments?

VICE-CHAIR OKAMURA: One more thing. In the last

meeting, Sally said -- was concerned about lack of staff,

and make sure that, you know, that we said that we would put

in the recommendation that this issue tried to be addressed

so that there's sufficient staffing in the department. That

was a concern of hers, anyway. I think -- so that was one

issue, the lack of staffing. My concern would be the --
also the lack of space for the staff.

And so maybe these two issues are budget related
because we have to deal with funding. So I was hoping we
could put these two items in our recommendations to the
mayor.

MS. PARSONS: Absolutely.

CHAIRMAN VICTORINO: Okay. All right. Funding
and staff. Okay. And staff got --

MS. PARSONS: Engineering staff especially.

CHAIRMAN VICTORINO: I think there's demand in all

areas. How far, Mr. Nakamura, I know you're sitting back there, how far -- as far as engineering, where are we as far as the total number of engineers now? You said we hired two and -- how short are we?

MR. NAKAMURA: I'm short four right now.

CHAIRMAN VICTORINO: Short four. Okay.

MR. JOHANSEN: Mr. Chair?

CHAIRMAN VICTORINO: Yes, Mr. Johansen.

MR. JOHANSEN: How long has there been a shortage of four or more in the department?

MR. NAKAMURA: Oh, a number of years. In fact, we

had a shortage of six then, just like I indicated earlier, I was able to pick up two, so now I'm down to four. But I'm still shy four.

CHAIRMAN VICTORINO: Mr. Nakamura, why don't you come up here.

Rest your voice now, Holly, please.

Ms. Parsons?

MS. PARSONS: Mr. Nakamura, where would we put our four engineers if we got them? Do you have a space for them?

MR. NAKAMURA: Right now, the only space that we

would have would be -- actually, I have one more cubicle that I could use if I were to hire another body. The rest of them would probably move into the space that formerly was where Ellen's group used to be in the back area there. We don't have any more space.

MS. PARSONS: I think this is a very good point that Kent brought up. We need to focus on a push to get -- I go into that engineering department about once every two weeks, anyway, we need to find a push to get them

consolidated and in an area where they can work in order to get the service out to the public and the community and the

planning department, that they need to get out in a timely manner.

I mean, I feel for Herb Chang, every single time I walk into his office, I mean, he doesn't even have elbow room. And this is not -- this is not -- it's a fire hazard, it's not conducive to good -- just to a good, wholesome feeling about your job. And I applaud these guys for coming to work under these circumstances every single day.

I mean, this is just -- it's appalling to me that we don't push harder to get them a better office space, and more technology driven, a cleaner, neater space than we do.

And up-to-date.

CHAIRMAN VICTORINO: Mr. Johansen?

MR. JOHANSEN: If we're going to make recommendations to the mayor about recruitment, I would like to be clear on how recruitment for the department is coordinated. Whose responsibility that is. That's the first question.

CHAIRMAN VICTORINO: Okay.

MS. PARSONS: It's got to be hard to hire people when you bring them into that department for an interview --

MR. JOHANSEN: That's my question.

CHAIRMAN VICTORINO: Okay. And I'll address that question, I guess, to -- who is -- George, I guess I go back to you. Mr. Tengan?

MR. TENGAN: Basically, their division head is, you know, responsible for the filling of the vacancy. And the division head would be working with Jacqi, who is our administrative officer, of which personnel is part of her duties. So both of them would be working in coordination with the department of personnel.

MR. JOHANSEN: My second question is, at the last meeting, I think it was at the last meeting, we discussed

the problems with recruitment. They seemed to center around restrictions of the civil service policies and the fact that we have a very high cost of living here as compared with the Island of Hawaii, for instance, and therefore recruitment is more difficult.

And I suggested that there might be a policy through the civil service department to peg salary to the cost of living on the different islands, and I realized that the comment was made that this would involve a major adjustment in civil service policy.

But if we cannot maintain the quality of a water

system because we are always short of engineers, what can we do? This is the question I think we should address to the mayor. What kind of changes in recruitment or improvements in it, what kind of problems do we present to the mayor as to how recruitment is limited.

For instance, when we were at the AWWA meeting at San Francisco, I stood downstairs in the place where they serve the coffee and there's a bulletin board announcing openings all over the area covered by AWWA. This would have been the place where the department could have posted a notice. And it seems to me that there are all kinds of

attractive aspects to employment on this island that could be part of a notice like that.

I just wonder if there are additional things we should be doing with respect to recruitment, and I think some of these things should go in a letter to the mayor. I mean, the mayor has got to be aware of -- improvement in recruitment is essential to the maintenance of the quality of our county water supply.

CHAIRMAN VICTORINO: Thank you, Mr. Johansen.

MR. TENGAN: Mr. Chair?

CHAIRMAN VICTORINO: Yes, Mr. Tengan.

MR. TENGAN: The mayor is very privy to the problem of recruitment. And he's been down to the engineering -- you know, down to the fifth floor and he -- both he and the managing director toured the department and talked to the employees.

One of the things that the department of personnel is doing now is they are looking at coming up with a bonus program for signing on during recruitment and there would be a reimbursement to the county if the -- if the employee didn't stay for more than a year. So there is this additional thing that's going on right now to help in the

recruitment process. The mayor is very aware of space problems and recruitment problems.

CHAIRMAN VICTORINO: Ms. Parsons?

MS. PARSONS: I know it's got to be hard when you interview somebody and you can't show them where the work area is going to be. I mean, that's got to be difficult.

You know, one of the things that I read that the military is doing and maybe we want to do it or look at it. When -- I guess it's the enlisted men. When they bring in another enlisted man, they give them a thousand dollar bonus for bringing them into -- to do the interview, and then they

get another thousand dollar bonus if they sign them up.

And engineers know other engineers, and maybe we could give an incentive to our own engineers to bring in some of their friends to get these positions filled.

MR. TENGAN: That's something we can't offer -- the director -- it would have to come through the county, as part of the county's practice.

CHAIRMAN VICTORINO: Right.

MR. HOLMBERG: Question for the chair. I've seen the figures previously as to what the engineers are paid.

Do we know about what the delta is between private industry

on the island and --

CHAIRMAN VICTORINO: Substantially different. And they are substantially higher than we are. There is still a true shortage of engineers throughout the nation and throughout the State of Hawaii. Am I correct in saying that, Mr. Nakamura?

MR. NAKAMURA: Yes.

CHAIRMAN VICTORINO: Where I read in some of the journals, and the pay scales for the private sector -- and they can do it, they can do it, supply and demand --

MR. HOLMBERG: Twice as much or --

CHAIRMAN VICTORINO: What would you estimate? I

mean, you gave us the numbers and --

MR. NAKAMURA: Twenty-five percent more -- or

higher. Not substantially higher, but it is higher.

CHAIRMAN VICTORINO: I don't know, 25 percent,

that sounds pretty good.

MR. HOLMBERG: Well, that's something you can put

your arms around. If it's twice as much, then --

MR. NAKAMURA: I don't think it's twice as much.

CHAIRMAN VICTORINO: Mr. Johansen?

MR. JOHANSEN: I'll pass.

CHAIRMAN VICTORINO: If not, we'll move along.

Now, we went through -- do you want to discuss CIP as

submitted to the mayor? I think our concerns were --

anything on the CIP? I think some of them followed the same

lines.

MS. PARSONS: Is this going to be get placed this
year?

CHAIRMAN VICTORINO: Well, that's what they hope.

Moving to G, Discussion -- I think I asked
everybody, but there's two possible dates to have the
meeting with the planning commission and ourselves, either

the 10th or the 24th. Everybody seemed to have indicated today that either one would be good, so now I can get back to the chair and -- what's his name -- Clayton and -- which would be better for them and go from there.

MS. KRAFTSOW: Mr. Chair?

CHAIRMAN VICTORINO: Yes, Ellen.

MS. KRAFTSOW: I don't know if I can expect to attend on the 10th. There is a Lanai Water Advisory Committee meeting with the state water commission to go over the Lanai water development plan. If you're talking about January --

CHAIRMAN VICTORINO: Yeah, January of next year.

MS. KRAFTSOW: So I have a conflict that I could not get out on the 10th if you're expecting --

VICE-CHAIR OKAMURA: 24th is better.

CHAIRMAN VICTORINO: If it's okay, I'll press for the 24th of January then, seeing that Mr. Okamura and Ellen have both indicated that the 24th would be better. Okay.

MR. HIRANAGA: Mr. Chair?

CHAIRMAN VICTORINO: Yes, Mr. Hiranaga.

MR. HIRANAGA: Going back to the operating and fiscal budget. For the record, would you want to take a

vote, even though it would be a belated -- for the record --

CHAIRMAN VICTORINO: Okay, if the board so

chooses, I will entertain a motion. Would you like to do it

separate or together as one? I'll leave it up to the board.

VICE-CHAIR OKAMURA: One motion.

CHAIRMAN VICTORINO: One motion for the entire --

okay, would you make it, Mr. Okamura?

VICE-CHAIR OKAMURA: I move that we submit --

officially submit the operating and CIP budget for fiscal

year 2006 and 2007 to the mayor.

MR. HIRANAGA: With the board's approval.

VICE-CHAIR OKAMURA: With the board's approval.

CHAIRMAN VICTORINO: Do I have a second?

MR. HIRANAGA: Second.

CHAIRMAN VICTORINO: It's been moved and seconded.

We've discussed it, so I don't know what else we need to discuss, other than the fact that I have noted that these are the concerns that we have and I will make sure I forward the letter, even though the mayor may understand the problems, but I'll still forward it and say that we particularly want to focus in on these problems for the department.

Mr. Tengan?

MR. TENGAN: Mr. Chair, before you take a final vote, I do need to mention to the board that because of some funding problems we have had with our current projects, we needed to take some monies that were budgeted in the '07 CIP budget and use it to fund '05 projects. So there's going to be some changes to that. When it's finalized, we'll get that -- we'll get that document to the board.

MS. PARSONS: A question.

CHAIRMAN VICTORINO: Yes, Ms. Parsons.

MS. PARSONS: I notice looking through here,

Mr. Director, that we're replacing a lot of the tanks

Upcountry, from Omaopio all the way through --

MR. TENGAN: What page are you looking at?

MS. PARSONS: 109, 110. Replacing pumps at

Pookela. My question is, does any of this have to do with

the Boyle report and why we're replacing them all at the

same time? Is it because of the problem we had Upcountry?

MR. TENGAN: Not necessarily so.

MS. PARSONS: But directly or indirectly?

MR. TENGAN: I would have to go back to staff to

see which ones would be related to any -- related to the

Boyle report.

MS. PARSONS: I think it's real important that we have a more detailed report on this. And the reason for it and I think the public needs to know, these tanks hold the water that's distributed, and if the tanks are in bad repair and they have problems, the problem is going into the homes.

And so I think the public needs to know when we clean these tanks, they need to know ahead of time so -- and most of the houses that I have visited Upcountry have some kind of filtration system on their own water from inside their homes. And when we clean tanks or when we replace

tanks or when we do something like that, debris can get into those tanks and get into those filters and it can grow. And they need to know that they need to clean their own filters when we're doing our own process.

But I would like to bring that up on the agenda for the next meeting, an educational -- which is what Boyle talked about, education, education, education. Can we bring that up on the next agenda?

CHAIRMAN VICTORINO: Well, bring it under board members' requests.

MS. PARSONS: I will. But I think if we could on

this, I would really like to have some detailed information on these replacements.

CHAIRMAN VICTORINO: Go ahead.

MS. KRAFTSOW: One of the tanks that was scheduled was scheduled because of the Boyle report. I can tell you this because I scheduled them, and I scheduled them based on field input. And if you look at the justification and remarks and comments, you know, this was a field request in 2000 and it kept getting put off because of lack of funds. And now it's in disrepair and the sanitary survey in 2002 noted poor condition -- it was taken off line. That was one

of the tanks.

You can see what the details are, I think, pretty clearly in here. These are tanks -- it may be very consistent with what the Boyle report is calling for, but it's not based on the Boyle report. Some of these have been scheduled and pushed back for lack of funds several times.

MS. PARSONS: But now we have the Boyle report, it makes it more mandatory to deal with it. But what I --

MS. KRAFTSOW: It's also the timing for compliance for sanitary survey results and the condition of the tanks themselves.

MS. PARSONS: Which is another issue that I think we need to be more public about. And I would like to know when these are going -- when this happens, when we could put together a process that says to the community, Within 30 days this is going to happen. Therefore, this is the educational for you for your home, what you should do to protect your own home.

Because there will be -- when you take these on and off line, there's going to be debris, there's going to be -- anytime you shake up old pipes you're going to have problems. And I think we need more of an educational

program for the public, and we need to have more of a
schedule when this is going to happen and let the public
know.

MS. KRAFTSOW: Project preparation. We had a
chart for each project.

CHAIRMAN VICTORINO: Thank you, Ellen.

Mr. Johansen?

MR. JOHANSEN: I was just going to say, when we
get an opportunity, if we can break for the reporter.

CHAIRMAN VICTORINO: Okay.

MR. HOLMBERG: I just want to address a couple of

questions for Mr. Tengan.

CHAIRMAN VICTORINO: Go ahead.

MR. HOLMBERG: On page 106, there was mention amongst the capital improvements for the Hamoa-Koali waterline improvements, and which was an 8-inch line.

MR. TENGAN: This is in Hana?

MR. HOLMBERG: Yes.

MR. TENGAN: Yes.

MR. HOLMBERG: Is there a more appropriate time for me to address this? And I wanted to couple that with the -- the main question I had was, it makes mention to

bring the system up to standard. I guess the waterline was breaking quite a bit and so an 8-inch line was placed in.

And I wanted to compare that with page 109, top of the page, Makena Road waterline replacement, in which the developer there was required to put in a 4-inch line and that's been upsized to 8 inches. So I'm just curious if the 8-inch standard was mainly for fire protection, or what's the rational behind that?

MR. TENGAN: With regard to which project?

MR. HOLMBERG: I'm sorry, I was putting them in the same bucket because of the size of the waterline. I'll

just start with Hana, what was the rational for making that
an 8 inches?

MR. TENGAN: Yes, the 8 inch would be for fire
protection.

MR. HOLMBERG: Okay. So then moving over to the
Makena waterline replacement, the department upgraded that
to 8 inches for the same reason?

MR. TENGAN: That would be for the same reason.

MR. HOLMBERG: Okay.

CHAIRMAN VICTORINO: I'm going to take a
five-minute recess.

(A recess was taken.)

CHAIRMAN VICTORINO: Let's reconvene the meeting.

Ms. Parsons?

MS. PARSONS: Hana, the area we put the pipeline in and we just patched up that road, do we intend to repave it?

MR. TENGAN: In Hana?

MS. PARSONS: Yes.

MR. TENGAN: It's going to be repaved by contract.

MS. PARSONS: It is? By ours? Do we do it or does the county do it?

MR. TENGAN: The repaving will be done by the contractor.

MS. PARSONS: Good.

MR. TENGAN: I don't see what it has to do with the budget.

CHAIRMAN VICTORINO: Okay, yeah --

MS. PARSONS: No, because we made a mess, we clean it up. That's what it means, George.

CHAIRMAN VICTORINO: Let's keep the comments relevant to the discussion. Okay?

Any other questions or comments to the budget,

both the CIP and operational? Hearing none, I'll call for
the question. All those in favor, going by roll call,
Mr. Hiranaga?

MR. HIRANAGA: Aye.

CHAIRMAN VICTORINO: Mr. Okamura?

VICE-CHAIR OKAMURA: Aye.

CHAIRMAN VICTORINO: Mr. Holmberg?

MR. HOLMBERG: Aye.

CHAIRMAN VICTORINO: Mr. Johansen?

MR. JOHANSEN: Aye.

CHAIRMAN VICTORINO: Ms. Parsons?

MS. PARSONS: Aye.

CHAIRMAN VICTORINO: Mr. Victorino? Aye. It's unanimous. I will also incorporate that with the letters of concern in the various matters that we have discussed; okay?

Going to H. Report from the Board Chair on the Council's Water Resources Committee Meeting that was held November 2nd. That seems so long ago. The discussion was really two-fold. They were talking about the upcoming rules and as well as the -- giving us the autonomy to adjudicate appeals from the director -- appeals to the director from various public entities.

And so I was in favor of it; I spoke in favor of it. And I think it's still processing. I'm not sure where it is on the whole -- because I have not followed up recently. I apologize.

But it is supposedly -- Mr. Tengan, isn't it going to be in last reading or second reading or something like that? I'm not sure where the whole process is at this point.

MR. TENGAN: I don't know whether I'm confused or not, but we have included in the agenda packet the committee's item WR-13, which is different from --

CHAIRMAN VICTORINO: No, this is for the WR-1.

Anyway, I'll follow up on that, Mr. Tengan. I'll follow up with Michelle Anderson, the chair of the water resources committee, on that matter, where it's at as far as the council is concerned.

MS. PARSONS: Any discussion?

MR. TENGAN: Are we on the agenda item --

Communication --

CHAIRMAN VICTORINO: No. No. We're on H. Report from Board Chair on Water Resources Committee Meeting held November 2nd. The council meeting. And that's the one I

spoke in favor of the proposed -- giving us the autonomy to adjudicate appeals to the director. You remember that?

MR. JOHANSEN: I didn't understand what you just said.

CHAIRMAN VICTORINO: Any appeals that the director says no, you cannot have this meter or no -- whatever, they could come to us and appeal that and then we could make a decision, and our decision now would be by ordinance binding. Whereas now, we can adjudicate based upon the mayor giving that to us. Okay?

MR. TENGAN: Mr. Chair, I might want to mention to

the board that I did submit comments on this item to the water resources committee, and my concern was whether the council had the authority to change the charter, you know, without going back to the electorate that made the decision on the charter amendment.

CHAIRMAN VICTORINO: I saw that. I saw that.

MR. TENGAN: I just wanted to note that.

CHAIRMAN VICTORINO: Thank you. Moving right

along --

MR. JOHANSEN: Before you leave, did you request a

response?

MR. TENGAN: No, I just made that comment.

CHAIRMAN VICTORINO: Just comments made to the
council.

MR. JOHANSEN: I would like to hear a response to
a question like that. It seems to me, ultimately, that
someone, if this is a questionable area, is going to come in
and question that authority. A dissatisfied applicant, a
subsequent mayor who doesn't like the precedent established
in removing functions from his office and giving them to
this board, in light of what the charter clearly says.

I think we have to have clarification about this,

and I think it's appropriate in this setting to ask those questions.

MR. HIRANAGA: Mr. Chair?

CHAIRMAN VICTORINO: Yes.

MR. HIRANAGA: Before an ordinance is enacted, wouldn't corp counsel enter an opinion whether that is a legal act or not --

CHAIRMAN VICTORINO: That's correct.

MR. HIRANAGA: -- I think that would be addressed in the future.

MR. JOHANSEN: But we don't know. I think we

ought to have that information as well. We're the ones affected more immediately.

MS. PARSONS: We can ask for clarification.

CHAIRMAN VICTORINO: I'll add that, ask for clarification on that from corp counsel.

Moving right along, Under "I," verbal update on Pookela. Mr. Nakamura?

MR. NAKAMURA: Mr. Chair, I was in contact with Mike Smith yesterday; he informed me that the motor for the Pookela well has been shipped. It's on route to Hawaii.

On Monday, they did efficiency tests on the pump,

and the results turned out that the efficiency was greater than what the -- you know, in our specification, which is good, it's a better pump than was specified. And based upon that test, they will ship that next week to the islands.

At this point in time, they are looking at possibly starting -- the estimation of the pump -- more towards the latter part of January. And we're still on track. They are still expecting to have the well up and running by about the middle of March of next year.

Checking with the general contractor, all of the electrical motor control centers and switch gears for that

installation is on track at this point, so he does not anticipate any delays. Maui Electric has completed the installation as far as the power line and the transformer installation and all of that. So it's basically waiting for the well to be installed. The project is on track.

CHAIRMAN VICTORINO: Very good. That's very good news. Thank you, Mr. Nakamura.

MR. HIRANAGA: Just clarification.

CHAIRMAN VICTORINO: Yes, Mr. --

MR. HIRANAGA: -- Hiranaga.

CHAIRMAN VICTORINO: Wait a minute, I'm getting

there.

MR. HIRANAGA: When you say the well is up and running, that means the water will be flowing into the Upcountry water system?

MR. NAKAMURA: No. What it means is the well and pump will be operational; but after that, we'll still need to go and get approval from the Department of Health to allow us to put that water into the system. That may take a month or two. Operationally to have it tied into the system, we're looking at probably about June or so next year.

MR. HIRANAGA: When it's actually contributing to
the Upcountry water system?

MR. NAKAMURA: That's right. That's right.

MR. HIRANAGA: Thank you.

CHAIRMAN VICTORINO: Ms. Parsons?

MS. PARSONS: Have we made any determinations as
to whether we're going to have that water cultured at one of
the major laboratories just to check it, like at a UL lab
for more detailed information?

MR. NAKAMURA: I'm not sure. I'll defer to the
director.

MR. TENGAN: I don't know what you mean by

"cultured."

MS. PARSONS: Well, UL laboratories do studies for microbiology reasons on wells and surface waters just to give -- they do more of a vast testing than what we do. And it's one of those things that's recommended by the AWWA when you're bringing new systems on line. It's not mandatory but it's a recommendation. And have we considered doing something like that?

MR. TENGAN: All I can say for now is that we

would be meeting the Department of Health's requirements

before placing that well on line.

MS. PARSONS: And that's it?

MR. TENGAN: Yes.

CHAIRMAN VICTORINO: Okay. Any other questions on

Pookela? Thank you very much, Mr. Nakamura.

Moving down to item 7. Communications, pages 119

through 122. Communication 05-09. This is a letter from

Michelle Anderson, Chair, Water Resources Committee,

requesting comments on the merits of draft bill entitled "A

Bill for an Ordinance to Prohibit Development Projects

Without a Long-Term Reliable Supply of Water."

This was done -- oh, she needs it by -- she wants a response by January 13, 2006. Copies contained in pages 119 through 122. And a copy of the ordinance itself is on 121 and 122, yeah. I open the floor to discussion.

VICE-CHAIR OKAMURA: I was hoping that --

CHAIRMAN VICTORINO: Mr. Okamura?

VICE-CHAIR OKAMURA: Oh, I'm sorry.

CHAIRMAN VICTORINO: Thank you. Go ahead.

VICE-CHAIR OKAMURA: All right. I was hoping that David Raatz, from the water resources committee, would be here to answer our questions regarding this. I was thinking

that in order for the board to make a good decision, we need to have more information regarding this bill and -- on what the present standard is and what changes -- what the changes will entail.

MR. HIRANAGA: Mr. Chair?

CHAIRMAN VICTORINO: Yes, Mr. Hiranaga?

MR. HIRANAGA: I looked at this two-paged bill and I don't understand what they're trying to do. It doesn't say anything about -- I mean, what are the criterias (sic) for a long-term reliable supply of water? What criteria do you have to meet for it to be categorized as a long-term

reliable source of water? I guess I'm missing something here. I read this about four times. What is it telling us?

CHAIRMAN VICTORINO: Ms. Parsons?

MS. PARSONS: I know exactly what you're saying, Mr. Hiranaga. Also, are we protecting the smaller landowner here at all? I mean, does any person desiring -- any person desiring to subdivide consolidate? What if it's just a small parcel, it's a family subdivision, does he have to go through -- I mean, they can't afford to do this.

MR. HIRANAGA: Do what?

MS. PARSONS: Well, you'd have to get some kind of

valid research on this in order to find out if you have

substantial water.

MR. HOLMBERG: Mr. Chair?

CHAIRMAN VICTORINO: Yes, Mr. Holmberg.

MR. HOLMBERG: I would also like to add that while

I appreciate the desire to cover small landowners as well as

large landowners, based on my experience from Tucson,

Arizona, where, quote/unquote, Wildcats subdivisions by

small landowners would create a large affect over the

aggregate that, still, I don't see how this is spelling out

how somebody goes ahead and meets the requirements either.

CHAIRMAN VICTORINO: Okay. Any other comments?

So, is it the desire of the board to respond to Michelle by saying that, first of all, the various concerns; and secondly, that there is no clear, I guess, direction on this whole ordinance?

MR. HIRANAGA: Mr. Chair, maybe I don't understand the legislative process. Do we need to have a bill, and then you start preparing an ordinance? Is that what a bill is, is to initiate in preparation of an ordinance? A bill for an ordinance?

MR. GIROUX: I think this is the legislation as it

is now --

MR. HIRANAGA: This would be the ordinance --

MR. GIROUX: -- you would start to incorporate --

MR. HIRANAGA: A bill is to initiate the creation

of an ordinance? Is that what a bill is for?

MR. GIROUX: Well, the bill, yeah, the bill

becomes -- once it passes, then it becomes an ordinance.

MR. HIRANAGA: So this would be the ordinance?

MR. GIROUX: Yes.

MR. HIRANAGA: Okay.

MR. JOHANSEN: Mr. Chair?

CHAIRMAN VICTORINO: Yes, Mr. Johansen.

MR. JOHANSEN: This would be the bill presented to the council for first reading and discussion, then you have amendments to that bill which could be accepted or this could be voted on and another amendment -- another bill could come up. But this is the -- actually, the language is the same; right?

MR. GIROUX: As it is now, yes.

MR. HOLMBERG: Mr. Chair?

CHAIRMAN VICTORINO: Yes.

MR. HOLMBERG: Could we address the questions to

corporate counsel whether they're aware as to what the -- in
Section C, there's compliance with Title 19 of the state
code, and also a Section 2, would those -- I, unfortunately,
I didn't dig through the state regulations far enough to
track those down, and would he be aware whether or not those
address our questions as far as what the requirements would
be?

CHAIRMAN VICTORINO: Sir?

MR. GIROUX: Well, it's pretty in depth. Are you
referring to -- title --

MR. HOLMBERG: I'm speaking of Section C.1, Title

19 of the code.

MR. GIROUX: That's our -- basically, that's our zoning code, Title 19. And then Chapter 205 is the state land code, 205. And Chapter 18 is our subdivision code.

MR. HOLMBERG: So those are already existing, and so --

MR. GIROUX: Yeah, they're just asking for conformance with those along with all federal and county --

MR. HOLMBERG: To the best of your knowledge, those don't make any reference to water supply requirements?

I know I'm asking a lot there.

MR. GIROUX: I don't think I could answer that
definitely. I --

CHAIRMAN VICTORINO: Mr. Tengan?

MR. TENGAN: Mr. Chair, I have to apologize, we
are missing a page here. If you notice at the bottom, it
goes from page --

CHAIRMAN VICTORINO: Yeah, I kind of thought
something was wrong, but nobody was saying nothing. So I'm
kind of just sitting here waiting for someone to say
something. Thank you.

MR. HIRANAGA: So where's the beef?

CHAIRMAN VICTORINO: Yeah, where's No. 2?

MR. TENGAN: So if we can take a short recess,

I can go and get it.

(A recess was taken.)

CHAIRMAN VICTORINO: Reconvene the meeting. You have all received page No. 2, which now gives you some more information as far as what the ordinance itself is all about. What I would request, because it really was not put in as a line action item that we're going to take anything up today other than reviewing it, and Ms. Anderson was asking if we could get her comments by the 13th of next

month, January 13th.

So I would request at this point that you review, and if you have any specific comments or questions, and e-mail that, I will incorporate in a letter. No later than January 5th. And I like to put deadlines, because if I don't, then people might come on the 12th, and I cannot wait that long. I need a few days to get it and give it to the secretary to put it together and forward it to the council. So by January 5th if I could have your comments, I would incorporate them to Michelle Anderson. Is that fair? Okay.

Moving right along. Director's Report.

Mr. Tengan, do you have anything? We're on Section 8,

Director's Report.

MR. TENGAN: No, I don't have anything right now.

CHAIRMAN VICTORINO: Nothing at this time.

Okay, No. 9, of course. Receipt of Board Members

requests for agenda items to be placed on future agendas. I

think a number of you have a number of things that you want

me to put on the next agenda. I would ask at this point

that you e-mail me that and I will make sure that will be

incorporated into the next agenda. If you want to bring

anything live, you may now. But I will do that for our next

agenda.

MR. JOHANSEN: You said that a meeting had been scheduled in January between the planning commission and this group?

CHAIRMAN VICTORINO: That would be January 24th at this time. That was the best date for all parties concerned. So I will get further information to you by the first part of next month.

If you have anything in that area, which is a different item, but if you have any concerns or things that you want to address at that joint meeting, then I would

request you e-mail me that and I will incorporate that in that agenda for the January 24, 2006 joint meeting.

Mr. Okamura, do you have something?

VICE-CHAIR OKAMURA: Yeah, I was interested to know what the board members -- what topics the board members wanted to cover in that meeting, because as of right now we don't have any agenda.

CHAIRMAN VICTORINO: That's why I'm asking you guys right now, if you have specific agenda items, then please e-mail me or if you want to bring up now. I don't want to spend too much time -- go ahead, Ms. Parsons.

MS. PARSONS: So we don't duplicate everybody -- but education as the Boyle -- talking about education, how do we educate the homeowners Upcountry?

CHAIRMAN VICTORINO: I think we'd like to use this as education for the entire County of Maui. I don't want to specifically say one side of town versus the other. The entire county should know what's happening.

MS. PARSONS: An educational program, and how can we best serve the public with it.

CHAIRMAN VICTORINO: Thank you.

MR. JOHANSEN: Mr. Chair?

CHAIRMAN VICTORINO: Yes, Mr. Johansen.

MR. JOHANSEN: I don't know how we'll publicize this meeting, but I think it would be a good idea to publicize this meeting in the community and frame what the issues are going to be, the topics, and give people some idea. I think this is -- this is a meeting that's long overdue and it could be very important.

CHAIRMAN VICTORINO: I'm not sure how it would frame for the public, other than public testimony.

MR. JOHANSEN: Or press release.

CHAIRMAN VICTORINO: Well, no -- I mean, we can do

that, Mr. Johansen, but when you're saying -- other than public testimony, I don't know how I would frame it within the two commissions and boards. You know, between the two of us, I'm not sure how we do that. Other than public testimony, I'm saying we can take that.

MR. JOHANSEN: These are two separate entities of government, I think this is a function of the mayor's office.

CHAIRMAN VICTORINO: Well, let me contact the managing director and speak to him on how he would like the mayor's participation. That's probably what I would want,

him or somebody from the mayor's office to participate. I

think that's what you're asking.

MR. JOHANSEN: Yes. Not only that, but get the
word out.

CHAIRMAN VICTORINO: Okay. Hopefully through
AKAKU the word will get out. January 24th at 1 p.m. Place
to be announced.

MS. PARSONS: Some large place.

CHAIRMAN VICTORINO: Okay. Anything else, board
members?

MR. OKAMURA: I'll try to make it short. Would

the director have any kind of issues that he thinks we should address at this meeting in regards to the problems the department is having in working with the planning commission or planning department, or something like that?

MS. KRAFTSOW: In terms of coordinating with the planning commission?

VICE-CHAIR OKAMURA: Yeah. What can -- or what are some issues we could bring up that might help the department, for example?

MS. KRAFTSOW: I think, basically, we could benefit from a staff to staff meeting to clarify some

information flow and possibly some planning policy thoughts.

But there's nothing in particular that's pressing, or that

needs to be brought up between the commissions, I don't

think so.

MS. PARSONS: I would like to say bring up fire

flow and have the fire chief there as well. See if we can

get fire flow taken over by the fire department, if at all

possible.

VICE-CHAIR OKAMURA: We had the fire department

there last time.

MS. PARSONS: We did talk about it, but we just

touched on it lightly. And if the mayor is here, maybe we can make more of an impact.

VICE-CHAIR OKAMURA: They were at a meeting, the department. They are saying they would deal with fire flow in areas that are not covered by the water department.

MS. PARSONS: Uh-hm.

VICE-CHAIR OKAMURA: So beyond that --

MS. PARSONS: But we need to get that into some kind of rules. We need to move that into there.

CHAIRMAN VICTORINO: Well, I think we're getting off the subject. We're going to keep on the subject matter.

If you have those as concerns, then address those on the --

MS. PARSONS: Can we have it longer than from one o'clock then, because I think --

CHAIRMAN VICTORINO: What do you mean longer from one o'clock?

MS. PARSONS: Well, I think it should be earlier, because you don't want to run past four or five. I think you will, you're only giving yourself three hours to discuss, and the last time we ran out of time. I think you need a day workshop.

CHAIRMAN VICTORINO: I can ask the planning

department and the planning commission. This is something we have discussed back and forth. So let me go back to Clayton and see what he would say to that. Right now that's what they agreed upon, at one o'clock they are willing to meet with us. So let me ask. I'll ask. I'll ask. Okay?

MR. JOHANSEN: Mr. Chair, who will preside at this meeting?

CHAIRMAN VICTORINO: Okay. I kind of would like to have me preside over it so I could be fair. But let me discuss the matter with the planning commission. Let me ask.

MS. PARSONS: Not to say they wouldn't be fair.

CHAIRMAN VICTORINO: Let me talk with them and get that as far as an agenda item -- I mean, as far as clarifying for the agenda itself. Anything else for the special meeting? Or nothing more for the special meeting, for the next meeting, our next regular board meeting?

MR. JOHANSEN: Have we closed agenda items?

CHAIRMAN VICTORINO: No. No.

MR. JOHANSEN: We never heard about the outcome of the contracted council in Honolulu and reporting to the county council. I can't remember the name of the lawyer

over there, but we've never gotten a report.

MR. GIROUX: Okubo.

MR. JOHANSEN: What's the name?

CHAIRMAN VICTORINO: Okubo.

MR. JOHANSEN: Yeah. Can we put that on the agenda? Can we get some information from either the county council or corporate counsel's office about what that report entails?

MR. GIROUX: I'm not too familiar with it. I

heard of it, but I --

CHAIRMAN VICTORINO: A letter requesting --

MR. GIROUX: Asking them to just give us a status
of where that report is?

CHAIRMAN VICTORINO: Status on report, okay.

MR. GIROUX: If it is in our office. I'm not sure
if it is or not, but that's the problem. It might be with
council at this time. Because I -- is this the one that the
council commissioned?

CHAIRMAN VICTORINO: Right.

MR. GIROUX: Right. So it might be with the
council.

MR. TENGAN: I think it still is.

CHAIRMAN VICTORINO: Still with the council?

MR. TENGAN: I believe so.

CHAIRMAN VICTORINO: If I was to request from the council, who would I go to, to the council chair, or would I go to water resource?

MR. TENGAN: Council chair.

CHAIRMAN VICTORINO: The council chair, okay.

MR. JOHANSEN: As I understood, the purpose of the function of this council, it was to clarify the relationship, the new relationship, among other things, and the Board of Water Supply. And some substance as to the

rules that are applicable for the function of the Board of Water Supply. So I think it's very important for us to know this, and I think that a request for information to include the reasons that we feel it's important.

CHAIRMAN VICTORINO: Thank you, Mr. Johansen.

I'll make my request to both the council chair and to corp counsel to find out the status of this report. And what we can -- and put that on our agenda item for our next meeting.

Okay. Anything else?

MR. HOLMBERG: Mr. Chair, when did you want any

e-mail comments to you regarding agenda items for the joint

planning commission --

CHAIRMAN VICTORINO: January 5th.

MR. HOLMBERG: Okay.

CHAIRMAN VICTORINO: Okay, if nothing else, move

on to divisional reports. You have that in front of you.

Do you have any questions specific on any divisional report?

We can call up -- I think we have some division heads yet,

some have left us. Anything? No questions at this time.

Okay. Before I adjourn the meeting, I would like

to, on behalf of myself and all of the board members, thank

the department for all their work in the 2005 year. You

guys have done a very excellent job in many areas, and I know it's so cumbersome, especially when you're short staffed, it's difficult.

I want to thank you, Mr. Tengan, for your efforts throughout the year. Thank all the board members for your participation. I am, you know, very sorry that we have had so many board members resigning. In fact, I counted four this year. If you go back to -- what's her name -- Dorothy, then Michelle, and now Smith, and Sally.

And I'm kind of concerned myself, and I was talking with my wife last night and she said, "Is something

wrong with you?" And I say that publicly.

And I said, "No, not that I know of."

I understand this is a big commitment on many of your parts. And I hope that when the mayor gets new members to replace the members, and that part of that process is making sure they understand what the job entails or what the duties entail. Because I think sometimes in the haste to replace, we then bring somebody in that's not totally prepared and makes it difficult.

Continuity is important, but more so that you have people that want and are willing to do this. And it's not

easy. I will say that much.

On behalf of myself and my family, I wish all of
you a Merry Christmas and a happy, prosperous and safe New
Year. And thank you very much again to all.

And the meeting is adjourned.

(The proceedings were concluded at 11:42 a.m.)