

County of Maui Water
Supply

BOARD OF WATER SUPPLY
COUNTY OF MAUI
REGULAR BOARD MEETING
THURSDAY, MAY 25, 2006

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BOARD OF WATER SUPPLY
COUNTY OF MAUI, STATE OF HAWAII
THURSDAY, MAY 25, 2006

REGULAR MEETING

HELD AT THE COUNCIL COMMITTEE ROOM, 7TH FLOOR, KALANA O MAUI

BUILDING, 200 SOUTH HIGH STREET, WAILUKU, MAUI, HAWAII,

COMMENCING AT 9:00 A.M. ON THURSDAY, MAY 25, 2006.

REPORTED BY: JEANNETTE W. IWADO, RPR/CSR #135

ATTENDANCE

BOARD OF WATER SUPPLY

APRIL 27, 2006

CHAIRMAN:

MICHAEL P. VICTORINO

VICE CHAIRMAN:

KENNETH M. OKAMURA

BOARD MEMBERS :

LEE ALDRIDGE

MICHAEL S. HOWDEN

KUILAUOKALANI F. LESTER

CARL MARTIN HOLMBERG

EXCUSED :

GINNY PARSONS

RALPH JOHANSEN

DIRECTOR :

GEORGE TENGAN

DEPUTY CORP COUNSEL :

EDWARD KUSHI

BOARD SECRETARY :

MICHELE SAKUMA

STAFF :

ALVA NAKAMURA

JACKY TAKAKURA

BOARD OF WATER SUPPLY

REGULAR MEETING

MAY 25, 2006

TRANSCRIPT OF PROCEEDINGS

(ORIENTATION POWER POINT PRESENTATION MADE BY

JACKY TAKAKURA)

CHAIRMAN VICTORINO: I'D LIKE TO CALL THE MEETING

TO ORDER, BECAUSE NOW WE HAVE A FULL, WELL, AS MANY MEMBERS

AS IS GOING TO BE HERE TODAY. FIRST OF ALL, TO MY FAR LEFT,

MR. LEE ALDRIDGE, VICE-CHAIR KENNETH OKAMURA, CARL HOLMBERG
IS HERE, ALSO PRESENT MICHAEL HOWDEN, KUI LESTER, THANK YOU,
AND MYSELF, THE CHAIR, MIKE VICTORINO.

I'D LIKE TO, FIRST OF ALL, GO AND APPROVE THE
MINUTES FROM THE APRIL 27, 2006 MEETING. ONCE THAT IS DONE,
THEN WE WILL MOVE ON TO MR. KUSHI AND HIS PRESENTATION ON
THE BOARD'S RULES AND REGS AND OPERATIONS. YOU HAVE GOT
COPIES OF THAT. DO I HEAR A MOTION TO APPROVE THE MINUTES
FROM THE APRIL 27, 2006 MEETING?

BOARD MEMBER HOWDEN: SO MOVED.

BOARD MEMBER ALDRIDGE: I'LL SECOND IT.

CHAIRMAN VICTORINO: IT HAS BEEN MOVED AND

SECONDED. ANY DISCUSSION, QUESTIONS?

BOARD MEMBER ALDRIDGE: I HAD TWO MINOR

CORRECTIONS, IF I CAN JUST PROVIDE THAT.

CHAIRMAN VICTORINO: SURE.

BOARD MEMBER ALDRIDGE: ONE IS ON SHEET 6, PAGE

22, LINE 15. IT SHOULD READ "SUPPLIED" WITH RESIDUAL

PRESSURE.

CHAIRMAN VICTORINO: SO NOTED.

BOARD MEMBER ALDRIDGE: THEN PAGE 14, LINE -- I'M

SORRY, SHEET 14, PAGE 53, LINE 24 A WORD WAS MISSING AFTER

NEGATIVE. I SAID LEVEL, L-E-V-E-L.

CHAIRMAN VICTORINO: OKAY.

BOARD MEMBER ALDRIDGE: THAT'S IT, THANK YOU.

CHAIRMAN VICTORINO: THANK YOU, LEE. ANY OTHER

CORRECTIONS? HEARING NONE, ALL THOSE IN FAVOR TO APPROVE

THE MINUTES OF THE APRIL 22, 2006 MEETING SIGNIFY BY SAYING

"AYE."

(A CHORUS OF AYES)

OPPOSED?

(NONE)

THANK YOU, FOLKS. OKAY, WE WILL GO BACK TO THE

AGENDA AND FINISH UP THIS AREA, AND THEN WE WILL GO INTO THE

PRESENTATIONS. CORP COUNSEL KUSHI, WOULD YOU LIKE TO GO

OVER THE DUTIES AND RESPONSIBILITIES OF THE BOARD OF WATER

SUPPLY?

MR. KUSHI: YES, MR. CHAIR. FOR CLARIFICATION, WE

ARE ON ITEM NUMBER 6, ORIENTATION FOR NEW MEMBERS?

CHAIRMAN VICTORINO: THAT IS CORRECT.

MR. KUSHI: PLEASE NOTE THAT UNDER ITEM 10, OTHER

BUSINESS, THERE IS AN ITEM ABOUT DISCUSSION WHICH I CAN GO

INTO FURTHER, BUT THAT'S LATER ON. WHAT I PASSED OUT WITH

YOU, WHAT JACKY PASSED OUT ARE TWO ITEMS. ONE IS THE

STANDARD INFORMATION PACKET. IT'S DATED 1983, I BELIEVE,

FOR NEW BOARD MEMBERS.

CHAIRMAN VICTORINO: THAT WAS THE SECOND PACKET

THAT YOU GUYS GOT, ALL OF THIS STUFF HERE.

MR. KUSHI: THE INFORMATION PACKET IS SOMETHING
THAT OUR OFFICE CREATED.

CHAIRMAN VICTORINO: WE ONLY GAVE IT TO THE NEW
MEMBERS. THAT'S FOR YOU FOLKS, THE NEW MEMBERS.

MR. KUSHI: IT'S THIS THING HERE (INDICATING),
OKAY. THIS IS 1992, EXCUSE ME. IT'S JUST KIND OF A SUMMARY
OF ALL NEW BOARD MEMBERS, COMMISSION AND BOARD MEMBERS.
QUESTION AND ANSWER, KIND OF. NOTHING EARTH SHATTERING. I
SUGGEST YOU READ IT AT YOUR LEISURE.

THE NEXT ONE IS MORE IMPORTANT, IT'S THIS OPEN
MEETINGS. IT'S PUBLISHED BY THE OFFICE OF INFORMATION

PRACTICES. IT'S A GOOD SUMMARY ON THE SUNSHINE LAW, AND

IT'S A QUESTION AND ANSWER FORMAT TOO. SO EVERYTHING YOU

WANTED TO KNOW ABOUT THE SUNSHINE LAW IS CONTAINED IN HERE,

AGENDAS, MEETINGS, QUORUMS, WHAT NOT TO DO, WHAT TO DO

OUTSIDE OF THESE MEETINGS. THOSE ARE THE TWO THINGS I

WANTED TO COVER, BUT I WON'T COVER IT NOW. I CAN GO INTO IT

MORE IN DETAIL ON YOUR LATER AGENDA ITEMS. WE ALSO PASSED

OUT A COPY OF YOUR RULES AND REGS. A LOT OF THESE THINGS

ARE NOT APPLICABLE NOW BECAUSE OF YOUR CHARTER CHANGE, AND I

WILL GET TO IT LATER, BUT AT LEAST YOU HAVE A COPY. LASTLY,

THEY PASSED OUT A COPY OF THE CHARTER, WHICH WE CAN GET

INTO.

SO, MR. CHAIR, RATHER THAN GOING POINT BY POINT,

I'D LIKE THEM LOOK IT OVER. IF THEY HAVE QUESTIONS, CALL MY

OFFICE. BUT I WILL GET INTO IT IN MORE DETAIL ON YOUR

AGENDA ITEM 10.

CHAIRMAN VICTORINO: IF THAT'S ALL RIGHT WITH THE

BOARD MEMBERS, WE WILL SAVE THE QUESTIONS UNTIL WE GET TO

ITEM NUMBER 10 UNDER OTHER BUSINESS A, AND WE WILL OPEN IT

AT THAT POINT. AND THEN IF WE NEED MORE, WE CAN BRING IT

BACK AT THE NEXT MEETING, IF THAT'S SO DESIRED BY YOU.

OKAY, THANK YOU VERY MUCH, CORP COUNSEL KUSHI.

MOVING ON TO ITEM NUMBER 7, I THINK WE HAVE PEOPLE

THAT ARE HERE TO TESTIFY ON THESE VARIOUS THINGS, OR AT

LEAST TO HEAR. I WILL START OFF WITH A, COMMUNICATION 06-5,

A LETTER DATED FEBRUARY 28, 2006 FROM NANI R.K. SANTOS

REQUESTING PLACEMENT ON THE BOARD'S AGENDA TO VOICE HER

OPINION REGARDING THE CURRENT SITUATION IN OBTAINING A

BUILDING PERMIT FOR TMK:(2)3-5-3:01. THAT'S PAGES 4 TO 28.

NOW, MISS SANTOS IS HERE TODAY, AND SHE DIDN'T

COME TO TESTIFY, SHE JUST WANTED AN UPDATE ON WHAT WAS

HAPPENING. SO AT THIS POINT, MR. TENGAN, DO I TURN TO YOU

OR IS THERE SOMEONE ELSE HERE WHO CAN GIVE US AN UPDATE ON

THAT MATTER?

DIRECTOR TENGAN: MR. CHAIR, I CAN GIVE YOU A

REPORT.

CHAIRMAN VICTORINO: PLEASE DO.

MR. TENGAN: I'M WORKING WITH MRS. SANTOS' FATHER,

JOHN DUEY. I HAVE ASKED FOR A MAP FROM JOHN, AND HE

SUBMITTED A MAP LAST WEEK SOMETIME. WE'RE TAKING A LOOK AT

THE MAP. WE ARE GOING TO BE DOING SOME PRESSURE

CALCULATIONS, AND HOPEFULLY WE CAN COME TO SOME RESOLUTION

BY THE NEXT BOARD MEETING. SO WE ARE GOING TO BE WORKING

WITH JOHN IN THE NEXT FEW WEEKS.

CHAIRMAN VICTORINO: SO AS I UNDERSTAND IT, SO

THAT ALL THE BOARD MEMBERS ARE CLEAR, I AM NOT SURE IF YOU

ALL WERE HERE AT THE LAST MEETING WHEN THIS DISCUSSION WAS

BROUGHT UP, BUT WE ARE STILL LOOKING FOR AN AMICABLE
CONCLUSION TO THIS.

AND MR AND MRS. SANTOS, I KNOW YOU'RE HERE, AND
THAT'S ALL WE CAN REPORT AT THIS POINT. BUT I GUESS DAD IS
WORKING ON THE SITUATION, AND AS SOON AS SOMETHING IS
RESOLVED, HOPEFULLY BY THE NEXT MEETING IT WILL BE RESOLVED,
OKAY. SO ARE THERE ANY OTHER QUESTIONS?

MRS. SANTOS: NO. WE WERE JUST LOOKING FOR A
TIMELINE TO SEE WHERE WE'RE AT, SO THAT'S HELPFUL.

DIRECTOR TENGAN: WE REALIZE THAT WE NEED TO COME
TO A RESOLUTION QUICKLY. AS THE BOARD MEMBERS KNOW, THE
COST OF CONSTRUCTION IS RELATIVELY HIGH AND MAY BE GOING

HIGHER. AND I UNDERSTAND THAT THE SANTOS' ARE READY TO
BUILD. SO WE'LL TRY TO COME TO A QUICK RESOLUTION ON THIS.

CHAIRMAN VICTORINO: THANK YOU, MR. TENGAN, WE
APPRECIATE THAT, AND I THINK THE SANTOS' APPRECIATE THAT.
THANK YOU, FOLKS.

MRS. SANTOS: THANK YOU.

CHAIRMAN VICTORINO: ANY QUESTIONS? LET'S MOVE ON
TO ITEM B, COMMUNICATION 06-06, LETTER DATED MARCH 6, 2006
FROM MAYOR ALAN M. ARAKAWA TRANSMITTING A FEBRUARY 16, 2006
LETTER FROM MR. MUSTARD MURAYAMA. I SKIPPED THE OTHER PART,
MUSTARD. I DIDN'T EVEN KNOW THAT WAS YOUR NAME. I'VE
ALWAYS KNOWN YOU AS MUSTARD. THIS IS REGARDING INSTALLATION

OF A WATER METER FOR TMK: 2-3-30:49, 17 ALEA PLACE IN

PUKALANI.

TODAY MR. MURAYAMA IS HERE. I HAVE KYLE TAKUSHI,

ALYSSA TAKUSHI, JOAN HAM AND CHRISTINA HAM. WHO IS GOING TO

SPEAK ON BEHALF OF THE FAMILY? YOU? WHY DON'T WE DO THIS.

CARL, IF YOU DON'T MIND, WOULD YOU MIND MOVING BACK TO YOUR

LITTLE SPOT AND I WILL LEAVE THAT OPEN FOR OUR TESTIFIERS

THERE?

MR. MURAYAMA, WOULD YOU LIKE TO COME UP HERE?

OKAY, ITEMS THAT WILL BE PERTINENT TO THIS AGENDA ITEM ARE

PAGES 21 TO 129 IN YOUR PACKET. MR. MURAYAMA, PLEASE.

MR. MURAYAMA: CHAIRMAN VICTORINO AND MEMBERS OF
THE BOARD AND STAFF, THANK YOU VERY MUCH FOR GIVING ME THE
OPPORTUNITY TO PRESENT OUR CASE TO SUPPORT THE REQUEST FOR A
WATER METER FOR THE VACANT LOT THAT'S 17 ALEA PLACE IN
PUKALANI. THE SUBJECT MATTER WAS PLACED ON THE AGENDA OF
YOUR REGULAR MEETING ON APRIL 27TH, WHICH WAS DEFERRED TO
TODAY'S MEETING TO ACCOMMODATE ME. I COULD NOT BE PRESENT
AT THAT TIME DUE TO A LONG SCHEDULED TRIP TO THE MAINLAND --
DON'T ASK ME WHERE -- AND THANK YOU.

I'M SURE THAT ALL OF YOU, INCLUDING THE FOUR NEW
MEMBERS OF THE BOARD, ARE FAMILIAR WITH THE BACKGROUND
RELATING TO THIS CASE. IF NOT, THERE IS A WHOLE SLEW OF

PAPERWORK THAT YOU CAN REFER TO. THE PROBLEM AS WE SEE IT

AT THIS TIME IS NOT THE REQUIREMENT TO MEET CURRENT COUNTY

DEPARTMENT STANDARDS, BUT WHETHER THE SUBJECT PROPERTY MEETS

ADMINISTRATIVE RULE 16-106-04(B), WHICH IS THE 60 DAY TIME

FRAME TO APPLY FOR A WATER METER. IN DECEMBER -- OH, BY THE

WAY, ARE YOU KEEPING ME TO THREE MINUTES?

CHAIRMAN VICTORINO: I WILL ALLOW YOU MORE THAN

THAT, SIR. THIS SUBJECT WILL PROBABLY TAKE A LITTLE MORE

THAN THREE MINUTES.

MR. MURAYAMA: THANK YOU. MR. FRED ASUNCION, UPON

LISTING THE PROPERTY FOR SALE, WENT TO THE WATER DEPARTMENT

TO APPLY FOR A WATER METER. THERE IS A LETTER DATED

DECEMBER 9, 2002 FROM FRED ASUNCION REFERENCING HIS VISIT TO THE WATER DEPARTMENT, AS WELL AS WHAT OCCURRED DURING HIS VISIT. THIS VISIT IS ALSO REFERENCED BY A WATER DEPARTMENT STAFF MEMO. BOTH REFERENCES CAN BE FOUND IN YOUR PACKETS. THE PACKET THAT I HAVE IS PAGE 92 AND 84 RESPECTIVELY. THE STAFF ADVISED MR. ASUNCION THAT THE DISTRIBUTION SYSTEM WAS INADEQUATE TO GRANT NEW SERVICES. CURRENT STANDARDS WOULD REQUIRE HAVING AN 8-INCH DISTRIBUTION WATER METER -- I'M SORRY, WATER LINE, WITH A FIRE HYDRANT LINE PUT IN TO SERVE THE IMMEDIATE AREA CURRENTLY SERVED BY A 6-INCH WATER LINE, THAT REDUCES TO A 4-INCH WATER LINE ALONG THE ALEA PLACE.

CONSIDERING AN ESTIMATED COST WHICH WOULD FAR

EXCEED THE VALUE OF THE PROPERTY, MR. ASUNCION CONTACTED THE OWNERS, AND WITH THEIR APPROVAL, CONTINUED THE APPLICATION PROCESS. THE APPLICATION PROCESS CONTINUED FROM DECEMBER, TO BE PLACED ON THE BOARD'S JULY 22, 2004 AGENDA, RESULTING IN THE CORPORATION COUNSEL'S MARCH 28, 2005 OPINION, WHICH REMOVED THE REQUIREMENTS FOR THE LARGE WATER LINE AND HYDRANT FROM THE SUBJECT PROPERTY.

I'M SURE THAT HAD THE DEPARTMENT STAFF BACK IN DECEMBER 2002 BEEN AWARE OF THE CORPORATION COUNSEL'S OPINION, MR. ASUNCION'S APPLICATION WOULD HAVE BEEN ACCEPTED. AND FINALLY, WE ARRIVE AT TODAY'S MEETING.

PLEASE CONSIDER THE AFOREMENTIONED UNIQUE

CIRCUMSTANCES. WE CERTAINLY WOULD APPRECIATE YOUR FAVORABLE
CONSIDERATION, SEEING AS THAT APPROVAL FOR THIS METER WOULD
NOT SET A PRECEDENCE, FOR HOW MANY SIMILAR CASES WOULD THERE
BE?

NOW, HOW DID WE GET INVOLVED IN THIS SITUATION?

WELL, OUR REAL ESTATE COMPANY ASSISTED THE BUYERS, KYLE AND
ALYSSA TAKUSHI, IN PURCHASING THE SUBJECT PROPERTY. ALYSSA
HAPPENS TO BE THE NIECE OF MY DAUGHTER, JOAN HAM, THE
PRINCIPAL BROKER OF OUR COMPANY. I'D LIKE TO INTRODUCE KYLE
AND ALYSSA TAKUSHI, MY GRANDDAUGHTER CHRISTINA, AND MY
DAUGHTER, JOAN HAM.

WE WERE AWARE OF THE PROBLEMS MR. ASUNCION, THE
SELLER'S AGENT, WAS HAVING REGARDING THE WATER METER, BUT WE
WERE MADE TO BELIEVE THAT GETTING THE WATER METER WAS JUST A
MATTER OF TIME. ESPECIALLY SINCE THERE WAS AN INTEROFFICE
MEMO FROM ALAN MURATA, ENGINEERING, TO ALVA NAKAMURA, CHIEF
ENGINEER. AND I REFER YOU TO PAGE 76, AND I READ THE LAST
SENTENCE, "HOWEVER, BEING THAT THESE CONDITIONS OR
REQUIREMENTS WERE BASED ON INCORRECT INTERPRETATION OF THE
RULES BY THE PAST ADMINISTRATION, IT SEEMS APPROPRIATE TO
REVISIT THIS CASE TO DETERMINE IF IT IS APPROPRIATE TO GIVE
THE APPLICANT AN OPPORTUNITY TO ACT BASED ON THE PROPER
INTERPRETATION OF THE RULES AS GIVEN BY OUR CORPORATION

COUNSEL. "

NOW, A COPY OF THIS MEMO WAS SENT TO MR. ASUNCION
ON SEPTEMBER 28, 2005, AND I REFER YOU TO PAGE 75, WHICH
SHOWS THE FAXED MEMO TO MR. ASUNCION FROM MR. ALAN MURATA.
SO ON OCTOBER 28, 2005 THE SALE WAS CONSUMMATED, AND HERE WE
ARE ASKING FOR YOUR FAVORABLE CONSIDERATION.

IF WE WERE ASKING FOR YOUR ASSISTANCE TO PUT OUR
PROPERTY AT THE HEAD OF THE WAIT LIST JUST BECAUSE WE WANT
TO BUILD SOON, I WOULD BE ASHAMED TO BE APPEARING BEFORE
YOU. FOR I KNOW THAT EVERYTHING IS BLACK AND WHITE, AND
THERE'S NO QUESTIONS IF IT WAS IN THAT CASE. HOWEVER, THIS
IS A UNIQUE CASE AND WORTHY OF YOUR CONSIDERATION. THIS IS

WHERE YOU, THE BOARD OF WATER SUPPLY, MADE UP OF VOLUNTEERS
APPOINTED TO SEE THAT THE DEPARTMENT OPERATES EFFICIENTLY
AND THE RULES AND REGULATIONS ARE APPLIED IN A FAIR AND JUST
MANNER. AND AGAIN, PLEASE CONSIDER OUR REQUEST FAVORABLY,
AND THANK YOU FOR YOUR PATIENCE, AND THANK YOU ON BEHALF OF
KYLE AND ALYSSA. IF YOU HAVE ANY QUESTIONS, I SURE WOULD
LIKE TO ADDRESS THEM.

CHAIRMAN VICTORINO: THE CHAIR WILL OPEN UP THE
FLOOR FOR QUESTIONS OF MR. MURAYAMA. IF ANY BOARD MEMBER
HAS ANY QUESTIONS. MR. OKAMURA?

BOARD MEMBER OKAMURA: I JUST WANTED TO CLARIFY

ONE POINT.

CHAIRMAN VICTORINO: YOU MAY.

BOARD MEMBER OKAMURA: I THINK YOU SAID IT WAS IN
2002 THAT MR. ASUNCION REQUESTED A METER FOR THE PROPERTY,
BUT WAS TOLD THAT HE NEEDED TO PUT THESE IMPROVEMENTS IN.

MR. MURAYAMA: YES.

BOARD MEMBER OKAMURA: SO THAT WAS LIKE IN
DECEMBER OF 2002, OR SOMETHING LIKE THAT?

MR. MURAYAMA: THE DEADLINE OF THE 60 DAY WAITING
PERIOD WAS ENDING. I THINK IT ENDED ON THE 3RD OF DECEMBER.
BUT WHEN MR. ASUNCION WENT IN HE WAS TOLD THAT, "YOU HAVE TO
GO ON THE WAITING LIST, AND THESE ARE THE REQUIREMENTS."

AND THEN THEY TALKED ABOUT THE WATER LINE AND THE FIRE
HYDRANT, WHICH WAS REALLY COSTLY, YEAH.

BOARD MEMBER OKAMURA: SO HE DIDN'T PUT HIS NAME
ON THE WAITING LIST, OR HE DID?

MR. MURAYAMA: THEN IN JANUARY, AFTER CONSULTING
WITH THE OWNERS, THEY SAID, "HEY, YOU HAVE GOT TO JUST PUT
YOUR NAME ON THE LIST BECAUSE THEY'RE NOT GOING TO BE DOING
ANYTHING WITH THE COST THAT'S GOING TO BE REQUIRED BY THE
DEPARTMENT."

BOARD MEMBER OKAMURA: I'M SORRY, I DIDN'T GET THE
LAST POINT THAT YOU TRIED TO MAKE. IT WAS THAT IN DECEMBER
HE WAS TOLD THAT HE WOULD NEED TO PUT ALL THE IMPROVEMENTS

IN. AND THEN IN JANUARY --

MR. MURAYAMA: HE FORMALLY APPLIED AFTER
CONFERRING WITH THE OWNERS WHO ARE ALL OFF ISLAND.

BOARD MEMBER OKAMURA: SO IN JANUARY OF 2003 HE
PUT HIS NAME ON THE WAITING LIST?

MR. MURAYAMA: YES. AND WHAT WE'RE SAYING IS THAT
IF THE DEPARTMENT KNEW THAT THERE WAS NO REQUIREMENT DUE TO
THE OPINION, HE WOULD HAVE APPLIED AT THAT TIME SO THAT HE
WOULD MEET THAT 60 DAY PERIOD THAT THEIR ASSURANCE WOULD
END.

BOARD MEMBER OKAMURA: SO WHAT YOU MEAN IS THAT HE
PUT HIS NAME ON THE WAITING LIST BUT HE ALSO HAD TO APPLY,

IS THAT WHAT YOU SAID?

MR. MURAYAMA: NO. HE CAME TO THE DEPARTMENT IN
DECEMBER, YEAH, TO APPLY BECAUSE THEY JUST HAD LISTED THE
PROPERTY FOR SALE. AND THEN ONE OF THE REQUIREMENTS WAS,
YOU KNOW, MAKE SURE THAT THERE'S A WATER METER BECAUSE IT'S
EASIER TO SELL. AND BECAUSE OF THE REQUIREMENTS HE COULDN'T
AT THAT MOMENT DO THE APPLICATION. SO CHECKING BACK WHAT DO
YOU WANT TO DO, WHETHER YOU WANT TO CHALLENGE THE DEPARTMENT
OR WHATEVER, YOU KNOW, THEY DON'T WANT ANY MORE COST. SO
WHAT THEY DID WAS OKAY, LET'S TAKE A CHANCE AND PUT OUR NAME
ON THE WAITING LIST. AND FROM WHAT I SEE, IT'S 500, OR

SOMETHING LIKE THAT.

BOARD MEMBER OKAMURA: SO AT THAT TIME THEN YOUR
NAME WAS PUT ON THE WAITING LIST?

MR. MURAYAMA: NOT MINE, BUT THE PROPERTY, YES.

BOARD MEMBER OKAMURA: THE PROPERTY WAS PUT ON THE
WAITING LIST.

MR. MURAYAMA: MEANWHILE, BECAUSE OF THE MEMO THAT
I MENTIONED, AND MR. ASUNCION KIND OF ASSURING US THAT IT'S
JUST A MATTER OF TIME, YEAH, BECAUSE A MEMBER OF THE
DEPARTMENT ENGINEERING STAFF IS RECOMMENDING. SO IT LOOKS
LIKE THEY'RE CONSIDERING IT. SO WE WENT AHEAD AND CLOSED
THE BUYING OF THE PROPERTY. BUT NOW THIS IS WHERE WE'RE AT,

BECAUSE AFTER THAT SUBSEQUENTLY THERE'S MATERIAL THAT WAS
SENT BY THE DEPARTMENT STATING THAT NO, WE STILL CANNOT GO
ON THAT WAITING LIST.

BOARD MEMBER OKAMURA: SO RIGHT AFTER THAT PERIOD
YOU PUT YOUR NAME ON THE WAITING LIST. SO LET'S SAY IN
DECEMBER IF THEY SAID YOU ARE NOT SUBJECT TO ALL OF THE
IMPROVEMENTS THAT YOU NEED TO MAKE, WHAT DIFFERENCE WOULD
THAT HAVE MADE?

MR. MURAYAMA: THE NEW RULES THAT TOOK EFFECT
STATING THAT WITHIN 60 DAYS AFTER THE RULE TOOK EFFECT THE
PEOPLE WHO HAD BEEN GRANTED SUBDIVISIONS AND WERE ASSURED OF
METERS WOULD NOT BE COVERED BY THIS WAIT LIST.

BOARD MEMBER OKAMURA: OH, THAT GETS COMPLICATED.

I DON'T QUITE FOLLOW THAT PART.

MR. MURAYAMA: YOU HAVE NO KNOW THE RULE THAT WAS ESTABLISHED IN 2004, I GUESS. ON MARCH 29, 2005 THE CORPORATION COUNSEL GAVE AN OPINION WHICH REMOVED THE REQUIREMENTS FOR THE LARGE WATER LINE AND HYDRANT FOR THE SUBJECT PROPERTY.

BOARD MEMBER OKAMURA: BUT I JUST WAS WONDERING THEN, LET'S SAY IN DECEMBER LET'S SAY, YOU KNOW, MR. ASUNCION WAS TOLD THAT HE DIDN'T HAVE TO PUT IN ALL THE WATER IMPROVEMENTS. WHAT DIFFERENCE WOULD IT HAVE MADE IN TERMS OF WOULD YOU BE HIGHER IN THE LIST OR WHAT DIFFERENCE

WOULD THAT HAVE MADE?

MR. MURAYAMA: THEN WE WOULD HAVE BEEN NOT
REQUIRED TO GET ON THE WAITING LIST.

BOARD MEMBER OKAMURA: YOU WOULD HAVE GOTTEN THE
METER RIGHT AWAY?

MR. MURAYAMA: I DON'T KNOW WHETHER IT WOULD BE
RIGHT AWAY OR NOT, BUT WE WOULDN'T BE REQUIRED TO GO ON THE
WAITING LIST.

BOARD MEMBER OKAMURA: TO GET THE METER?

MR. MURAYAMA: YES.

BOARD MEMBER OKAMURA: OKAY, THANK YOU.

CHAIRMAN VICTORINO: MR. KUSHI, I'LL ASK YOU TO

INTERCEDE AT THIS POINT FOR CLARIFICATION, JUST TO MAKE

SURE, MR. OKAMURA AND MR. MURAYAMA, WHAT HAS BEEN DISCUSSED

IS CORRECT. WHAT I'M UNDERSTANDING, HAD THESE REQUIREMENTS

NOT BEEN NECESSITATED BY THE DEPARTMENT TO MR. ASUNCION, WHO

WAS REPRESENTING THE BUYER AT THAT TIME, YEAH, THEN --

MR. KUSHI: THE SELLER.

CHAIRMAN VICTORINO: THE SELLER, I SHOULD SAY.

CORRECTION, EXCUSE ME, THE SELLER, REPRESENTING THE SELLER.

THEN MR. ASUNCION OR THE PROPERTY, THE SELLERS OF THAT

PROPERTY WOULD HAVE BEEN GRANDFATHERED IN AND WOULD NOT HAVE

HAD TO BE PUT ON THE WAIT LIST. IS THAT WHAT -- I'M TRYING

TO UNDERSTAND THIS, AND I DON'T WANT TO SAY I DO.

MR. KUSHI: MR. CHAIR, I'M NOT SURE OF THE FACTUAL SITUATION. BUT MY UNDERSTANDING IS THAT THE RULE THAT WAS CREATED, THESE OWNERS, THE NAKAMURAS, THEY FELL INTO A CRACK WHERE THEY HAD PROCESSED THEIR SUBDIVISION IN THE '70'S, AND FROM ONE LOT THEY CREATED THREE LOTS. THEY HAD ONE EXISTING METER, AND AT THAT TIME AFTER SUBDIVISION WAS GRANTED THEY APPLIED FOR ANOTHER ONE, SO THERE'S TWO METERS. THE THIRD LOT IS THE ONE WE'RE TALKING ABOUT.

NOW, THE SUBDIVISION WAS GRANTED BACK IN THE '70'S. THEY DID NOT APPLY FOR A METER UNTIL NOW. IN THE MEANTIME, IN 2002, 2001 OR 2002, THE BOARD CREATED AN

UPCOUNTRY PRIORITY LIST RULE WHICH SAID THAT ANY LOT OR ANY
OWNER WHO EXPENDED MONEY OR HAD REPRESENTATIONS FROM THE
DEPARTMENT THAT THEY WOULD BE ENTITLED TO A METER, HAD A 60
DAY PERIOD TO APPLY FOR THAT METER, OKAY. IF THEY APPLIED
THEN THEY WOULD GET THE METER, PROVIDED THEY DO ALL THE
IMPROVEMENTS AND THEY PAY THE METER FEE, AND THEY WOULD HAVE
A PERIOD OF TWO YEARS TO DO IT.

ALL THOSE OTHER PEOPLE WHO HAD NO WHAT THEY CALL
VESTED RIGHTS OR SELF ASSURANCE, THEY WOULD HAVE TO GO ON
THIS PRIORITY LIST. SO THIS PROPERTY WOULD HAVE BEEN
ELIGIBLE FOR THE 60 DAY PERIOD.

NOW, WHAT MUSTARD IS SAYING IS THAT THEY WERE

CONSIDERING THAT, TO BE IN THIS 60 DAY PERIOD, BUT THE

DEPARTMENT IMPOSED VARIOUS IMPROVEMENTS, WHICH SUBSEQUENTLY

THE DEPARTMENT HAS SAID YOU DON'T NEED TO DO. SO I GUESS

THE ARGUMENT IS, HAD THEY KNOWN THAT BACK THEN, THEY WOULD

HAVE APPLIED. THAT'S MY UNDERSTANDING OF HIS ARGUMENT OKAY.

I MAY BE WRONG.

MR. MURAYAMA: I'M GLAD YOU UNDERSTAND MY PIDGIN

ENGLISH.

CHAIRMAN VICTORINO: I THINK YOU'VE CLARIFIED THE

POINT. I THINK THAT'S WHAT MOST OF US BOARD MEMBERS WERE

LOOKING FOR, IS A CLARIFICATION MORE THAN ANYTHING ELSE.

BOARD MEMBER ALDRIDGE: MR. CHAIR.

CHAIRMAN VICTORINO: YES, MR. ALDRIDGE.

BOARD MEMBER ALDRIDGE: I JUST WANTED TO FOLLOW UP WITH ONE QUESTION. DID MR. ASUNCION COME INTO THE DEPARTMENT TO MAKE THE INQUIRY BEFORE DECEMBER 3RD, SO THAT IF AT THAT POINT IN TIME WHEN HE CAME IN TO MAKE THE INQUIRY ABOUT THE METER, HAD HE BEEN TOLD THAT NO IMPROVEMENTS WERE REQUIRED HE COULD HAVE MADE AN APPLICATION BEFORE DECEMBER 3RD?

MR. MURAYAMA: THIS IS WHAT I ASSUME. THERE IS NO WRITTEN DATE. THE DEPARTMENT HAS DECEMBER 2002. MR. ASUNCION STATES THAT IN DECEMBER HE DID GO TO THE

DEPARTMENT. AND JANUARY 9TH, 8TH OR 9TH HE MADE A FORMAL APPLICATION. AND THERE'S SOME COMMUNICATION THAT'S IN THE PACKET, BUT THERE IS NO SPECIFIC DATE.

BOARD MEMBER ALDRIDGE: OKAY, SO THAT WAS MY INTERPRETATION AS WELL. WHEN I READ THE MATERIAL, I DID NOT SEE THAT HE ACTUALLY HAD BEEN THERE BEFORE DECEMBER 3RD, 2002. SO BASICALLY IF HE HADN'T BEEN THERE BEFORE DECEMBER 2003, I GUESS IT WOULD HAVE BEEN -- DECEMBER 2000, I'M SORRY. DECEMBER 2002, BUT DECEMBER 3RD WAS THE DEADLINE.

MR. MURAYAMA: YES.

BOARD MEMBER ALDRIDGE: SO IF HE HAD COME IN TO MAKE AN INQUIRY AFTER DECEMBER 30TH HE STILL WOULD HAVE

MISSED THE 60 DAY OPEN PERIOD, IS THAT CORRECT?

MR. MURAYAMA: YES.

BOARD MEMBER ALDRIDGE: AND WE HAVE NO

DOCUMENTATION AS TO WHEN HE ACTUALLY CAME IN FOR THE

INQUIRY?

MR. MURAYAMA: NO.

CHAIRMAN VICTORINO: OKAY, KUI?

BOARD MEMBER LESTER: IF HE WAS GIVEN REQUIREMENTS

TO DO IN ORDER TO GET THE WATER METER, AND THEN HE WAS LATER

TOLD THAT HE DIDN'T NEED TO GO THROUGH WITH THOSE

REQUIREMENTS, THAT'S KIND OF MISLEADING TOO.

CHAIRMAN VICTORINO: THANK YOU. THAT'S GOOD. IF

THE BOARD WOULD INDULGE ME, I WOULD LIKE TO ASK FOR THE
BOARD -- AND ALVA, WOULD YOU BE THE MOST OR WHO WOULD BE THE
MOST KNOWLEDGEABLE BEYOND MR. KUSHI TO SPEAK ON THIS MATTER
AS FAR AS THE DEPARTMENT'S POINT OF VIEW?

MR. NAKAMURA: I GUESS I COULD SAY SOMETHING ABOUT
IT IN TERMS OF WHY WE'RE INTERPRETING THE RULES THE WAY WE
ARE.

CHAIRMAN VICTORINO: WHY DON'T YOU COME UP. IF
YOU WOULD, MR. MURAYAMA, LET MR. NAKAMURA COME UP, AND
PLEASE STAND BY IF THERE'S FURTHER QUESTIONS. INTRODUCE
YOURSELF.

MR. NAKAMURA: MR. CHAIR, ALVA NAKAMURA FOR THE

DEPARTMENT OF WATER SUPPLY. ON THIS PARTICULAR SITUATION,

AS YOU KNOW, STAFF GETS HIT WITH THESE KINDS OF REQUESTS.

AND THIS IS NOT THE FIRST THAT WE HAVE FACED IN THIS

PARTICULAR CASE. ALL I CAN SAY IS THE REASON WHY WE ARE

RECOMMENDING DENIAL IS THAT WHEN WE GO BACK AND TAKE A LOOK

AT THE NUMBER OF OTHER REQUESTS THAT WE HAVE GOTTEN, SIMILAR

CIRCUMSTANCES WHERE THEY HAVE MISSED THE DEADLINE IN

APPLYING FOR A WATER METER, AND WE HAVE DENIED THOSE

APPLICANTS FOR THE METER, STAFF HAS TO BE AS CONSISTENT AS

WE POSSIBLY CAN IN THE APPLICATION OF THE RULES.

IN THIS PARTICULAR CASE WE FELT THAT ALTHOUGH

THERE IS SOME RATIONALE WITH REGARD TO THE ISSUANCE OF THE
METER, WE FELT TO BE CONSISTENT WE HAD TO DENY THIS BECAUSE
WE HAVE DENIED SO MANY OTHERS IN THE PAST. IF THERE IS
GOING TO BE ANY TYPE OF A CHANGE, OR I SHOULD SAY AN
ISSUANCE OF A METER IN THIS PARTICULAR CASE, IT WOULD HAVE
TO COME FROM A POLICY STANDPOINT. AND STAFF, AGAIN, IS JUST
REQUIRED IN OUR WORK TO INTERPRET THE RULES IN AS CONSISTENT
A MANNER AS WE POSSIBLY CAN, AND THAT'S BASICALLY THE REASON
WHY WE ARE RECOMMENDING DENIAL.

THEY HAD ALL OF THIS TIME TO APPLY FOR THE METER,
YOU KNOW, BASICALLY BETWEEN MARCH 31ST OF 1976 UNTIL 2002.
SO THEY HAD ALL THIS TIME, AND IT WAS NEVER APPLIED FOR. SO

THEY MISSED THE DEADLINE. AND JUST TO BE CONSISTENT WITH

ALL THE OTHER APPLICANTS THAT WE'VE HAD, WE WOULD RECOMMEND

DENIAL AT THIS TIME.

CHAIRMAN VICTORINO: AND I CAN APPRECIATE THAT.

BEFORE I OPEN IT FOR QUESTIONS, ALVA, I CAN APPRECIATE THAT.

CONSISTENCY HAS ALWAYS BEEN VERY IMPORTANT. I'VE STRESSED

THAT THE DEPARTMENT HAS RULES AND WE NEED TO CONTINUOUSLY

FOLLOW THESE RULES OR MAKE THE CHANGES THAT NECESSITATE TO

CORRECT THESE PROBLEMS.

HOWEVER, I'VE ALSO ALWAYS LOOKED AT IT ON A CASE

BY CASE BASIS, AND ALL THE CIRCUMSTANCES THAT LEAD TO THAT

POINT. BECAUSE GRANT YOU, RULES ARE SET, BUT SOMETIMES --

AND MAYBE THIS IS ONE OF THEM, AND WE WILL DISCUSS IT

FURTHER -- THERE ARE CIRCUMSTANCES THAT HAD THIS HAPPENED,

HAD THAT HAPPENED, WE WOULDN'T EVEN BE HERE TODAY.

AND I APPRECIATE THE DEPARTMENT, AND I WILL ALWAYS

BACK THE DEPARTMENT IN THAT SENSE. HOWEVER, AGAIN, WE TAKE

IT ON A PER CASE BASIS, AND THIS IS ONE OF THOSE THAT I

THINK WE HAVE TO DELVE IN A LITTLE MORE DEEPLY TO COME TO

SOME REASONABLE CONCLUSION.

THANK YOU, MR. NAKAMURA. WHO HAD QUESTIONS?

LET'S START WITH CARL FIRST, THEN I WILL MOVE ACROSS. CARL,

GO AHEAD.

BOARD MEMBER HOLMBERG: MR. CHAIR, I JUST WANTED

TO ASK MR. NAKAMURA, WE HAD THAT 60 DAY PERIOD BACK IN 2002.

NOW, GRANT YOU, YOU SAID YOU HAD A NUMBER OF OTHER PEOPLE

WHO MISSED THEIR DEADLINE, AND TOUGH LUCK. IN THIS CASE YOU

HAVE A RATIONALE FOR WHY THEY MISSED THE DEADLINE. THEY HAD

THE OPPORTUNITY, IT'S NOT LIKE THEY HAD NO CLUE THAT THERE

WAS A 60 DAY PERIOD AND CAME IN IN 2003 AND TRIED TO HORN ON

IN.

IN THIS CASE, WELL, IN OTHER CASES, AS FAR AS YOU

KNOW, HAVE YOU HAD OTHER CASES WHERE PEOPLE CAME IN DURING

THE 60 DAY WINDOW AND WERE TOLD, "THERE ARE THOUSANDS OF

DOLLARS OF IMPROVEMENTS YOU NEED TO MAKE," AND THEN BACKED

OFF, TO YOUR KNOWLEDGE?

MR. NAKAMURA: WE HAVE HAD CASES LIKE THAT THAT
HAVE COME BEFORE US. I ALSO NEED TO MENTION THAT STAFF AND
I, WE HAD SOME CONSIDERABLE DISCUSSIONS ABOUT THIS
PARTICULAR CASE, RECOGNIZING THAT THERE MAY BE SOME
UNIQUENESS ABOUT THE SITUATION. HOWEVER, AFTER THOROUGHLY
DISCUSSING WITH STAFF, DISCUSSING THE PROS AND CONS, WHAT IF
WE DO THIS, WHAT IF WE DID THAT, WE FELT THAT IT WASN'T
REALLY IN OUR ROLE HERE TO INTERPRET THE RULES DIFFERENTLY
THAN WHAT WE HAD BEEN DOING, TO BE CONSISTENT WITH ALL THE
PAST DECISIONS THAT WE HAVE MADE. SO AS A RESULT, THE
RECOMMENDATION WAS TO DENY.

BOARD MEMBER HOLMBERG: SO WHAT YOU'RE TELLING ME,

I HEAR WHAT YOU ARE SAYING. SO WHAT YOU'RE TELLING ME IS

THAT YOU DID HAVE, FOR THAT ONE 60 DAY WINDOW, YOU DID HAVE

A NUMBER OF OTHER PEOPLE COME IN WHO WOULD HAVE POTENTIALLY

HAD TO HAVE MADE HUNDREDS OF THOUSANDS OF DOLLARS OF

IMPROVEMENTS, SO THEREFORE DID NOT EXERCISE THAT RIGHT?

MR. NAKAMURA: I'M SURE THERE ARE CASES LIKE THAT,

YES. I CANNOT SPEAK SPECIFICALLY FOR ANY SPECIFIC CASE, BUT

I DO KNOW THAT STAFF HAS DISCUSSED SITUATIONS WHERE PEOPLE

HAVE COME IN WITH THAT REQUEST, AND AS A RESULT THEY DIDN'T

GO FOR IT BECAUSE THEY COULDN'T AFFORD IT. BUT KEEP IN MIND

NOW, THIS IS ONLY IN ESTABLISHED SUBDIVISIONS THAT WERE

APPROVED BY THE DEPARTMENT THAT QUALIFIES FOR THIS

EXEMPTION, OKAY.

BOARD MEMBER HOLMBERG: IF I MIGHT, ONE MORE

FOLLOW-UP.

CHAIRMAN VICTORINO: YES.

BOARD MEMBER HOLMBERG: TO YOUR KNOWLEDGE, TO

FINISH THIS OFF THEN, AS FAR AS YOU KNOW, HAVE ANY OF THESE

OTHER PEOPLE -- THEY MAY HAVE BEEN ASKED TO MAKE THOUSANDS

OF DOLLARS OF IMPROVEMENTS. AS FAR AS YOU KNOW, WOULD ANY

OF THEM HAVE QUALIFIED FOR THIS SITUATION WHERE YEARS LATER

WE FIND THAT THEY DIDN'T REALLY NEED TO MAKE THE

IMPROVEMENTS?

MR. NAKAMURA: YOU KNOW, I REALLY AM NOT SURE ABOUT THAT. I COULDN'T SAY ONE WAY OR THE OTHER. I WOULD HAVE TO PROBABLY GO BACK INTO THE FILES AND DIG IT ALL UP AND SEE WHO APPLIED AND WHETHER IT WAS AN ESTABLISHED SUBDIVISION. I COULDN'T REALLY RIGHT OFF THE TOP OF MY HEAD TELL YOU RIGHT OFF THE BAT.

CHAIRMAN VICTORINO: MR. ALDRIDGE.

BOARD MEMBER ALDRIDGE: THANK YOU, MR. CHAIR. MR. NAKAMURA, I HAD A QUESTION ABOUT THE WAIT LIST ITSELF. I BELIEVE THEY'RE NUMBER 503 ON THE WAIT LIST. HOW MANY ARE ON THE WAIT LIST IS ONE QUESTION. THE OTHER QUESTION IS,

WHAT IS IT THAT WILL FINALLY TRIGGER THESE PEOPLE BEING OFF
THE WAIT LIST? WHAT IS IT THAT NEEDS TO BE DONE BEFORE
EVERYONE ON THE WAIT LIST GETS A METER?

MR. NAKAMURA: AS YOU KNOW, WE ARE ISSUING METERS
AS THEY COME UP AS SOURCE BECOMES AVAILABLE. NOW, WE HAVE
CLOSE TO ABOUT A THOUSAND PEOPLE ON THE WAIT LIST, AND AT A
WAIT LIST OF 503, I WAS JUST TALKING WITH STAFF ABOUT IN
THIS MORNING, FOR THEM TO GET A METER, DEPENDING HOW FAST WE
CAN DEVELOP NEW SOURCES AND ALL OF THAT, WE ARE LOOKING AT
MANY, MANY YEARS DOWN THE ROAD BEFORE WE WOULD GET TO 503.
WE DO HAVE PROJECTS IN THE WORKS TO HELP IMPROVE CAPACITY UP
IN THE UPCOUNTRY AREA. BUT AGAIN, THESE WILL TAKE SOME

TIME, AND IT WILL BE SOME TIME BEFORE WE GET TO 503. SO I
DON'T KNOW IF THAT BASICALLY ANSWERS YOUR QUESTION.

BOARD MEMBER ALDRIDGE: WELL, LET ME PARAPHRASE
WHAT YOU JUST SAID THEN. THERE ARE CAPITAL IMPROVEMENTS
UNDERWAY, BUT AS FAR AS THE TIMETABLE, IT'S INDEFINITE AT
THIS POINT IN TIME AS TO WHEN WAIT LIST NUMBER 503 WILL BE
ELIGIBLE.

MR. NAKAMURA: YEAH, IT IS INDEFINITE. AS YOU
KNOW, POOKELA WELL -- AND I WAS GOING TO TALK ABOUT THAT A
LITTLE LATER ON ON THE AGENDA -- BUT THAT IS SCHEDULED TO --
WE HAD A DISCUSSION WITH THE CONTRACTOR YESTERDAY. THEY'RE
HOPING THAT THEY WILL BE ABLE TO TURN THE SWITCH ON IT AND

START THE PUMPS GOING PROBABLY ABOUT THE MIDDLE OF NEXT
MONTH. IN ANTICIPATION OF THIS WELL COMING ON LINE, WE HAVE
BEEN ISSUING METERS, WORKING WITH THE METERS, AND AS A
RESULT WE HAVE BEEN ISSUING METERS UP IN THE UPCOUNTRY AREA
IN ANTICIPATION OF THIS.

BUT IT'S GOING TO BE THOSE KINDS OF PROJECTS LIKE
THAT THAT GENERATE NEW SOURCES THAT WILL ALLOW US TO FURTHER
ISSUE METERS IN THE UPCOUNTRY AREA AND REDUCE THIS LIST THAT
WE HAVE RIGHT NOW. BUT AGAIN, IT'S A VERY SLOW PROCESS, AND
IT TAKES TIME TO GO THROUGH ALL OF THIS. AS YOU KNOW,
DEVELOPMENT OF SOURCES WILL TAKE SOME TIME.

BOARD MEMBER ALDRIDGE: I HAVE ONE FOLLOW-UP

QUESTION, CHAIR.

CHAIRMAN VICTORINO: GO AHEAD, MR. ALDRIDGE.

BOARD MEMBER ALDRIDGE: I WANT TO FOLLOW UP ON A QUESTION THAT MR. HOLMBERG HAD. AND THAT IS I KNOW THAT OFF THE TOP OF YOUR HEAD YOU CAN'T SAY, BECAUSE YOU DON'T HAVE THE INFORMATION AVAILABLE, ON HOW MANY OTHERS WOULD FIT THIS EXACT SIMILAR SITUATION. BUT CAN YOU SORT OF TELL US JUST AS AN ESTIMATE, ARE WE TALKING ABOUT TENS OR HUNDREDS OF PEOPLE THAT WOULD FALL INTO THE SAME CIRCUMSTANCES, JUST ORDER OF MAGNITUDE, IF THEY WERE TO BE GRANTED.

MR. NAKAMURA: I DON'T THINK IT WOULD BE HUNDREDS,

BUT MAYBE TENS. THERE'S A NUMBER THAT'S IN THERE, YES.

BOARD MEMBER ALDRIDGE: SO IT WOULD SET A
PRECEDENT FOR THOSE NUMBERS OF PEOPLE?

MR. NAKAMURA: THAT'S RIGHT. IF THIS WERE TO BE
ALLOWED, YOU SEE, WE WOULD THEN HAVE TO GO BACK. AND I'M
SURE WE COULD CALL SOME OTHERS WHO WANT TO BE PUT ON THE
SAME -- GIVEN THE SAME COURTESY AS WELL.

BOARD MEMBER ALDRIDGE: I JUST WANTED TO KNOW WHAT
THAT EXPOSURE IS. THANK YOU.

CHAIRMAN VICTORINO: MR. KUSHI.

MR. KUSHI: JUST TWO POINTS, MR. CHAIR. TO FOLLOW
UP MEMBER HOLMBERG'S QUESTION TO STAFF, ON PAGE -- I BELIEVE

IT'S PAGE 84. PAGE 84, IT'S THE SECOND PAGE OF A STAFF

REPORT DATED JULY 12, 2004, BECAUSE THIS MATTER CAME BEFORE

THE PREVIOUS BOARD. IN THAT STAFF REPORT ON PAGE 84,

BACKGROUND OF REQUESTS, IN THE MIDDLE OF THAT IT SAYS

DECEMBER 2002 MR. ASUNCION VERBALLY REQUESTED IT. IN

JANUARY 2003 MR. ASUNCION SENDS A LETTER. IF IT HELPS THE

BOARD, MAYBE ASK MR. MURAYAMA WHEN WAS THE PROPERTY LISTED

WITH MAUI REALTY, IF HE KNOWS.

CHAIRMAN VICTORINO: MR. MURAYAMA, WOULD YOU KNOW

WHEN THAT PROPERTY WAS PUT ON THE LISTING?

MR. MURAYAMA: THE 2ND OF DECEMBER.

CHAIRMAN VICTORINO: DECEMBER 2, 2002? OKAY.

DOES THAT ANSWER YOUR QUESTION?

MR. KUSHI: IT JUST PROVIDES YOU A TIME FRAME.

CHAIRMAN VICTORINO: A TIME FRAME, OKAY.

MR. KUSHI: THE OTHER ONE FOLLOWING UP,

PRECEDENCE. WHEN WE ISSUED THAT OPINION TO THE DEPARTMENT

BACK IN APRIL OR MARCH OF 2005, IT CLARIFIED WHAT THE

DEPARTMENT CAN AND CANNOT REQUEST FOR IMPROVEMENTS. AND

IT'S LIMITED, IT'S VERY LIMITED. SO YOUR QUESTION ABOUT HOW

MANY WOULD THIS AFFECT, IT HAS TO FIT INTO A FACT THAT IF

THIS PROPERTY WAS A STAND-ALONE PROPERTY, NO PREVIOUS

SUBDIVISIONS, NO WATER LINES, WE WOULD STILL REQUIRE THAT.

THE DEPARTMENT WOULD STILL REQUIRE THEM TO PUT IN WHATEVER

IS CURRENTLY APPROVED.

IF THAT PROPERTY WAS THE RESULT OF A PREVIOUS

SUBDIVISION, NEVER MIND 10, 15 YEARS AGO, THAT WAS APPROVED

BY THE COUNTY, THEN WE FELT THAT YOU CANNOT NOW IMPOSE

REQUIREMENTS TO CONFORM NOW. SO IT MAY OR MAY NOT AFFECT A

BUNCH OF PROPERTIES.

CHAIRMAN VICTORINO: THANK YOU, MR. KUSHI. MR.

OKAMURA.

BOARD MEMBER OKAMURA: THANK YOU, MR. CHAIR. I

JUST WANTED TO CLARIFY. THE 60 DAY WINDOW, DO YOU KNOW,

MR. NAKAMURA, WHEN WAS THIS WINDOW, THE 60 DAY WINDOW, DO

YOU KNOW OFFHAND THE DATES? DOES ANYBODY KNOW?

CHAIRMAN VICTORINO: I KNOW IT WAS 2002 NOVEMBER
TO DECEMBER.

MR. NAKAMURA: SOMETIME NOVEMBER 2002.

CHAIRMAN VICTORINO: I KNOW I WAS HERE, BUT I
CAN'T TELL YOU THE SPECIFICS.

BOARD MEMBER OKAMURA: WHAT WOULD COME DOWN TO
WHETHER DECEMBER WAS PART OF THAT WINDOW OR IT WASN'T? IF
DECEMBER WASN'T PART OF THAT WINDOW THEN --

BOARD MEMBER ALDRIDGE: IT WAS OCTOBER 4, 2002 TO
DECEMBER 3RD, 2002.

CHAIRMAN VICTORINO: SO IT DID FALL INTO THAT

WINDOW. ANY MORE QUESTIONS FOR MR. NAKAMURA OR

MR. MURAYAMA?

BOARD MEMBER HOWDEN: MAY I MAKE A COMMENT ON

THIS?

CHAIRMAN VICTORINO: SURE, GO AHEAD.

BOARD MEMBER HOWDEN: I HAVE BEEN LISTENING VERY

CAREFULLY, AND I AGREE WITH MR. NAKAMURA. I MEAN THE TRUTH

IS WHEN YOU HAVE DEALT WITH THE DEPARTMENT THERE IS SO MUCH

CONFUSION SOMETIMES WHEN YOU ARE AN APPLICANT. AND THERE

ARE SEEMING INEQUITIES CREATED JUST BECAUSE PEOPLE DON'T

ALWAYS KNOW WHAT THE RULES AND REGS ARE. AND I THINK IF YOU

MAKE AN EXCEPTION FOR THIS PROPERTY, ESPECIALLY FOR A

WELL-RECEIVED AND WELL-RESPECTED FORMER DIRECTOR OF THE
DEPARTMENT, YOU ARE CREATING WITH THE PUBLIC A PERCEPTION OF
PERHAPS FAVORITISM BECAUSE WE ARE NOT MAKING THAT FOR ANYONE
ELSE.

AND IF WE ACT FAVORABLY ON THIS, THEN

MR. NAKAMURA, I MEAN IT MIGHT JUST BE DOZENS OF PEOPLE. BUT
AGAIN, IT'S THAT KIND OF THING THAT WE ARE NOT REALLY
RESPONSIVE TO THE PUBLIC IN GENERAL, WE'RE RESPONSIVE TO ONE
PARTICULAR PERSON. AND I WOULD BE A LITTLE WARY OF THAT, OF
MAKING AN EXCEPTION IN THIS CASE.

CHAIRMAN VICTORINO: THANK YOU, MR. HOWDEN, THAT

WAS A GOOD POINT. MR. MURAYAMA?

MR. MURAYAMA: I'M GLAD YOU BROUGHT IT UP, BECAUSE
I THOUGHT ABOUT THAT AND I TRIED NOT TO MENTION ANYTHING
ABOUT IT. BUT I'M INVOLVED BECAUSE I'M THE BROKER-IN-CHARGE
OF THE COMPANY WHICH REPRESENTED THE BUYERS IN THIS CASE
HERE. AND WHEN I SAW WHERE MR. ASUNCION HAD BEEN GOING
THROUGH THE PROCESS AND THE BOARD HAD DEFERRED THE CASE WHEN
MR. ASUNCION BROUGHT IT UP, AND THERE WAS NOTHING DONE UNTIL
NOW, WE FELT THAT, HEY, WE SHOULD AT LEAST TAKE A STAB AT IT
AND CONVINCING YOU THAT THIS IS THE RIGHT THING TO DO.

MR. NAKAMURA'S COMMENT SUPPORTS OUR REQUEST. HE
SAID THAT, YOU KNOW, ALTHOUGH THERE'S SOME CIRCUMSTANCES

INVOLVED IN THIS CASE, WE NEED TO ABIDE BY THE RULES UNLESS
POLICY CHANGE IS MADE. AND HE'S TALKING ABOUT WHAT YOU, THE
BOARD MEMBERS, CAN DO ON THAT PART. BECAUSE THEY DON'T WANT
TO BE THE ONES TO SAY, OKAY, WE WILL GIVE IT TO THIS GUY BUT
NOT TO ANYBODY ELSE.

AND SO WE'RE SAYING THAT OUR CASE IS UNIQUE. HOW
MANY THREE LOT SUBDIVISIONS ARE THERE? AND THEY MENTIONED
THAT, OH, FROM 1976 UNTIL NOW WE HAD A CHANCE TO PUT A METER
IN. WHY NOT? IF YOU LOOK AT THE HISTORY, THE PEOPLE WHO
SUBDIVIDED IT TURNED IT OVER TO THEIR CHILDREN, FOUR
CHILDREN. NONE OF THEM LIVES HERE. ONE OF THEM PASSED
AWAY, SO THERE'S THREE LEFT, AND NONE OF THEM PLAN TO COME

BACK HERE. SO THERE'S NOT GOING TO BE A NEED. THAT'S WHEN
THEY DECIDED TO SELL THE LOT, OKAY. IT'S A VALUABLE LOT,
BUT THE COST OF ALL THOSE IMPROVEMENTS WAS MUCH GREATER THAN
THE VALUE.

AND SO THIS IS WHERE WE'RE AT. I'M GLAD HE
RECOGNIZED ME, YOU KNOW, BUT IT WAS NOT MY INTENT TO COME AS
A FORMER DIRECTOR OR ANY OFFICIAL. IT'S JUST THAT I FELT WE
SHOULD PRESENT IT. AND I'VE NEVER APPROACHED ANY OF YOU,
THE MEMBERS HERE, SAYING THAT, HEY, I KNOW WHAT I'M DOING.
SO, YOU KNOW, THAT'S NOT THE CASE. AND I WOULD APPRECIATE
YOU PUTTING THAT OUT FROM YOUR MIND, MICHAEL'S OPINION HERE.

CHAIRMAN VICTORINO: IF I MAY SAY THAT I'VE

ALWAYS, AS THE CHAIR AND AS A MEMBER, LOOKED AT THE FACTS OF
THE CASE AND THE SITUATION THAT AROSE, AND HOW IT ALL CAME
TO THIS POINT IN MAKING MY DECISION, AND THAT'S HOW I DO IT.
I DON'T RECOGNIZE THE PEOPLE WHO ARE THERE, I DON'T
RECOGNIZE THE POSITION OR THEIR BACKGROUND. I LOOK AT THE
FACTS OF THE CASE.

THE FACTS HERE, FROM EVERYTHING I SEE, LEAVES SOME
VERY GREY AREAS, I THINK THAT ALL OF US WILL ADMIT OKAY.
WHETHER MR. ASUNCION AND THE SELLER KNEW BETTER BACK IN 2002
AND 2003 LEAVES SOMETHING OPEN FOR INTERPRETATION. I WILL
NOT DENY THAT. HOWEVER, THE OPINION THAT IS PUT HERE BY THE

DEPARTMENT DOES ALSO RELEGATE SOME FACT THAT, YOU KNOW,

THEY'RE SAYING MAYBE. AND YOU ADMITTED THAT TOO,

MR. NAKAMURA, JUST MAYBE.

AND I'VE ALWAYS TRIED TO KEEP EACH CASE ON A PER
CASE BASIS. AND YES, I'M COGNIZANT OF PRECEDENT. ONCE YOU
DO SOMETHING YOU COULD OPEN PANDORA'S BOX, THE FLOOD GATES
COULD BE OPENED. BUT AGAIN, EACH AND EVERY ONE, LIKE THE
SANTOS', IT'S AN INDIVIDUAL CASE, AND I LOOK UPON IT THAT
WAY. AND I HOPE THE BOARD MEMBERS WILL LOOK UPON IT LIKE
THAT AND NOT SAY, OH, WE DID THIS OR WE DID THAT, BECAUSE
EACH ONE HAS ITS OWN MERIT OR LACK OF MERIT, IS THAT'S THE
WAY YOU WANT TO PUT IT.

SO ANY MORE QUESTIONS? IF NOT, I WILL LEAVE THE FLOOR OPEN TO A MOTION, WHICHEVER WAY YOU WOULD LIKE TO MAKE THE MOTION, WHETHER APPROVAL OR DISAPPROVAL OF THIS. I WILL OPEN THE FLOOR FOR A MOTION. OKAY, WHOEVER WANTS TO MAKE THE MOTION.

BOARD MEMBER HOLMBERG: MY FIRST ATTEMPT AT A MOTION. LET'S SEE IF I CAN MANAGE NOT TO MAKE TOO MUCH OF A MESS OUT OF IT. WHAT I'M AIMING FOR IS I WOULD MAKE A MOTION THAT THE DEPARTMENT TAKE A LOOK THROUGH THEIR RECORDS. AND SINCE WE ARE DEALING WITH A GREY AREA AND WE ARE GOING TO HAVE TO SPLIT HAIRS, THAT IF IT'S NOT BEYOND THE RECORD KEEPING OF THE DEPARTMENT, THAT WE GO AHEAD AND

HAVE THE DEPARTMENT RESEARCH THE OTHER CASES AND SEE IF ANY
OF THE OTHER CUSTOMERS FIT INTO THIS CATEGORY OF TOO
EXPENSIVE.

CHAIRMAN VICTORINO: I WILL STOP YOU HERE. NO
OFFENSE. THAT MOTION GOES IN TOO MANY DIRECTIONS. YOU MUST
MAKE THE MOTION SPECIFICALLY ON THIS CASE, BECAUSE THAT'S
WHAT WE ARE WORKING ON RIGHT NOW. WE CAN'T START GOING ALL
OVER THE PLACE AND MAKE THE DEPARTMENT GO HERE AND THERE.
SO KIND OF SPECIFIC. IF YOU WOULD LIKE TO RECOMMEND THE
DEPARTMENT APPROVE OR DISAPPROVE THEIR REQUEST, THAT'S
BASICALLY WHAT WE NEED DO. I'M SORRY. LEE?

BOARD MEMBER OKAMURA: I WOULD LIKE TO MOVE THAT

WE DEFER THIS ITEM PENDING A LITTLE BIT MORE INFORMATION ON
CERTAIN MATTERS.

CHAIRMAN VICTORINO: I WOULD LIKE SPECIFIC
MATTERS, BECAUSE I THINK --

BOARD MEMBER OKAMURA: ON SPECIFIC MATTERS. I
WOULD LIKE TO DEFER THIS MOTION UNTIL WE GET SOME SPECIFIC
INFORMATION THAT WE NEED.

CHAIRMAN VICTORINO: WHAT DO YOU WANT
SPECIFICALLY, MR. OKAMURA?

BOARD MEMBER OKAMURA: THE GREY AREA IS THIS:
THERE IS, YOU KNOW, THE DEADLINE FOR THAT 60 DAY PERIOD WAS

DECEMBER 3RD. IF ANYBODY CAN SHOW US THAT THERE WAS CONTACT
MADE FOR A REQUEST FOR A METER BEFORE DECEMBER 3RD, I THINK
THAT IS THE KEY POINT. AND SO INSTEAD OF DENYING THIS
MOTION RIGHT NOW AND THEY WOULD HAVE TO GO THROUGH THE
TROUBLE OF GETTING IT BACK UP ON THE AGENDA, IF WE CAN JUST
DEFER IT AND GIVE EVERYBODY A CHANCE TO EITHER TRY AND GET
THAT INFORMATION, WHETHER THERE WAS AN EFFORT MADE TO GET
THE METER BEFORE DECEMBER 3RD OR NOT. SO THAT WOULD BE THE
KEY PIECE OF INFORMATION THAT I WOULD LIKE TO SEE. SO MY
MOTION IS TO DEFER IT FOR FURTHER INFORMATION.

CHAIRMAN VICTORINO: DO I HEAR A SECOND?

BOARD MEMBER LESTER: I SECOND.

CHAIRMAN VICTORINO: IT HAS BEEN MOVED AND
SECONDED. ANY DISCUSSION ON THAT MATTER? ALL THOSE IN
FAVOR OF DEFERRING THIS ACTION TO OUR NEXT MEETING, SO THAT
WE CAN COME UP WITH A MORE DEFINITIVE TIMELINE, ALSO LOOKING
INTO THE MATTER AS YOU HAVE REQUESTED ON THE DECEMBER 3RD,
WHETHER A REQUEST WAS MADE BEFORE DECEMBER 3RD OR ON OR
BEFORE DECEMBER 3RD, IS THAT CORRECT, JUST SO I GET THE
MOTION CORRECT.

BOARD MEMBER OKAMURA: YES.

CHAIRMAN VICTORINO: ALL THOSE IN FAVOR OF THE
MOTION SAY "AYE."

(A CHORUS OF AYES)

OPPOSED?

(NONE)

OKAY, MR. MURAYAMA, WE WILL PUT THIS ON OUR NEXT MONTH'S AGENDA. AND WE WILL REQUEST -- AND IF YOU HAVE, VIA MR. ASUNCION OR ANYBODY ELSE, ANY KIND OF, ANYTHING THAT CAN SHOW US THAT ON OR BEFORE DECEMBER 3RD 2002 A REQUEST WAS MADE, THEN WE WILL LOOK UPON IT AND TRY TO HAVE SOME KIND OF RESOLUTION AT THAT POINT.

MR. MURAYAMA: THAT WAS A VERBAL REQUEST, RIGHT?

NOW, THE ONLY WAY WHERE I CAN SEE WHERE WE CAN SUPPORT THAT WOULD BE THEY MOST LIKELY MUST HAVE A CALENDAR APPOINTMENT ON FRED'S WHATEVER -- I DON'T KNOW WHETHER HE DOES KEEP A

CALENDAR. I DO. WHEN I GO TO A MEETING I SAY WHAT TIME I'M
GOING AND SO FORTH. WE KNOW THAT THE LISTING WAS DONE ON
THE 2ND OF DECEMBER, AND SOON THEREAFTER IT DID COME TO THE
DEPARTMENT. WHETHER IT WAS THE 2ND, THE 3RD OR THE 4TH I'M
NOT SAYING, BECAUSE I DO NOT KNOW. SO YOUR POINT IS TO SEE
WHETHER WE CAN HAVE EVEN MR. ASUNCION COME HERE UNDER OATH
AND SAY WHEN HE DID OR IF THERE IS SOMETHING THAT HE CAN,
YOU KNOW, PRODUCE, WOULD THAT BE SATISFACTORY?

BOARD MEMBER OKAMURA: YES. WE STILL WOULD HAVE
TO MAKE -- IN MY OPINION THAT'S THE MAJOR FACTOR THAT YOU
CAN SHOW US, THAT YOU KNOW IF IT'S CUT AND DRY THAT THERE

WAS AN ATTEMPT MADE TO GET THE METER BEFORE DECEMBER 3RD OR
NOT. I THINK THAT WOULD BE FAIR. NOT THAT THE BOARD WILL
APPROVE IT, I DON'T KNOW HOW THE BOARD WILL VOTE, BUT THAT'S
MY OPINION FOR ME.

MR. MURAYAMA: YES, I UNDERSTAND.

CHAIRMAN VICTORINO: THAT'S REALLY IMPORTANT,
MUSTARD. IF FRED HAS TO COME AND TELL US WHAT HE DID, WHEN
HE DID IT, THAT WOULD ALSO BE VERY IMPORTANT. OR ANY
SUBSTANTIAL OR ANY COPIES OF CALENDARS OR WHATEVER THAT MAY
EXIST. YOU ARE TALKING 2002. I DON'T KNOW HOW MANY PEOPLE
KEEP THEIR CALENDARS FROM 2002.

MR. MURAYAMA: AND IF HE REMEMBERS WHO HE SPOKE

TO, THEN MAYBE THE STAFF COULD BE QUESTIONED AND THAT PERSON
MIGHT REMEMBER OR NOT, OR HE MIGHT HAVE IT ON THE CALENDAR.
IF IT'S THE 3RD, BEFORE OR AFTER THE 3RD, YEAH.

CHAIRMAN VICTORINO: OKAY. LET'S SEE WHAT WE CAN
DO WITH THAT PLEASE, MR. MURAYAMA.

MR. MURAYAMA: I THINK THAT'S A FAIR DEFERRAL.

CHAIRMAN VICTORINO: OKAY, THANK YOU. YES, MR.
TENGAN, DO YOU HAVE SOMETHING?

DIRECTOR TENGAN: I WAS JUST WONDERING IF I SHOULD
POINT THIS OUT TO THE BOARD MEMBERS. IN THE PAST, THE BOARD
COULD WAIVE OR MODIFY THE REQUIREMENTS OF THE RULES BASED
UPON A TWO-THIRDS MAJORITY VOTE, AND ON THREE CONDITIONS.

ONE IS THAT STRICT APPLICATION OF THE RULE WOULD CAUSE AN
ABSURD, UNFAIR OR UNREASONABLY HARSH RESULT. NUMBER TWO,
THE BOARD FINDS THAT THE CIRCUMSTANCE OR CONDITION IS UNIQUE
OR EXCEPTIONAL, AND THE BOARD WOULD GRANT THE SAME REQUEST
IF MADE BY EVERY SIMILARLY SITUATED APPLICANT. AND THREE,
THE RESULTING ACTION OF THE BOARD WILL BE WITHOUT DETRIMENT
TO THE EXISTING USERS. SO IN CONSIDERING THIS MATTER AND
MAKING A RECOMMENDATION TO THE DIRECTOR AND THE MAYOR, YOU
KNOW, THIS SHOULD BE KEPT IN MIND BY BOARD MEMBERS.

CHAIRMAN VICTORINO: THANK YOU MR. TENGAN. OKAY,

THANK YOU, MR. MURAYAMA, AND WE WILL SEE YOU IN JUNE.

MR. MURAYAMA: I HAVE GOT TO COME BACK AGAIN?

THANK YOU VERY MUCH.

CHAIRMAN VICTORINO: THANK YOU. I AM GOING TO
TAKE A 10-MINUTE RECESS. AND JUST FOR YOUR INFORMATION,
KENNETH, YOU WILL BE TAKING OVER AT THIS POINT WHEN WE
RETURN. THE REST IS THE LETTER, AG AND DISCUSSION OF CORP
COUNSEL.

(WHEREUPON A BRIEF RECESS WAS TAKEN)

ACTING CHAIR OKAMURA: WILL THIS MEETING PLEASE
COME TO ORDER. I AM CALLING THE MEETING TO ORDER BECAUSE
MIKE HAD TO GO TO HONOLULU FOR A BUSINESS MEETING, SO HE
ASKED US TO CONTINUE FROM COMMUNICATION. ITEM NUMBER A,

LETTER DATED APRIL 25, 2006 FROM RIKI HOKAMA, COUNCIL CHAIR,

REGARDING THE BOARD OF WATER SUPPLY REQUEST FOR A SPECIAL

COUNSEL REPORT.

IS THERE ANY DISCUSSION ON THIS MATTER?

GENERALLY, AND YOU PROBABLY READ THE MATERIAL IN THERE, THE

ONLY THING IS THAT IN THE BEGINNING HE SAYS THAT -- IN HIS

LETTER HE SAYS THAT IN THE THIRD PARAGRAPH, "I WOULD NOTE,

HOWEVER, THAT AS FAR AS I KNOW, NONE OF THE COUNCIL MEMBERS

IS SERIOUSLY CHALLENGING THE CORPORATION COUNSEL OPINION

DATED JULY 28, 2003 AT THIS POINT."

MAYBE I MISREAD THAT. I WAS THINKING THAT HE SAYS

THAT HE NEEDS TO GET THE COUNCIL'S CONSENT TO WAIVE THE

ATTORNEY/CLIENT PRIVILEGE TO GET THIS REPORT. AND I SEE AS
THE ONLY THING WE CAN DO TO FOLLOW UP IS PROBABLY TO ASK
THEM IF THEY WOULD MIND FOR US TO SEE THE REPORT IF THE
BOARD SO WISHES TO DO SO. SO ANY OTHER DISCUSSION ON THIS
MATTER? NO?

BOARD MEMBER HOLMBERG: MR. CHAIR, I WOULD
PERSONALLY LIKE TO MAKE THE REQUEST. OTHER THAN THAT, I
DON'T HAVE ANYTHING ELSE TO ADD.

ACTING CHAIR OKAMURA: MAYBE WE CAN MAKE A MOTION
THEN.

BOARD MEMBER LESTER: SO MOVED.

ACTING CHAIR OKAMURA: IT HAS MOVED THAT WE

REQUEST THE COUNCIL I GUESS TAKE A VOTE TO SEE WHETHER WE
COULD -- THEY WOULD WAIVE THE ATTORNEY/CLIENT PRIVILEGE SO
THAT THE BOARD OF WATER SUPPLY COULD SEE THE SPECIAL REPORT
THAT WE'RE TALKING ABOUT. IS THERE A SECOND? ANY
DISCUSSION?

BOARD MEMBER HOLMBERG: I'M JUST CURIOUS AS TO,
GIVEN THE WAY THAT WE'VE WORDED IT, WHETHER I MEAN WHAT
PRECISELY HOW WE NEED TO WORD IT. IF WE'RE MAKING THE
REQUEST TO THE COUNCIL AS A WHOLE, TO MR. HOKAMA TO REQUEST
IT OF THE COUNCIL?

ACTING CHAIR OKAMURA: ED, CAN YOU OFFER US ANY
ADVICE ON THIS MATTER? WHAT WE'D LIKE TO SAY IS WOULD THE

COUNCIL WAIVE THE ATTORNEY/CLIENT PRIVILEGE AND LET US SEE

THE REPORT. AND I GUESS THE WORDS THAT WE WANT ARE --

MR. KUSHI: WELL, MR. CHAIR, NOT KNOWING ANYTHING

FURTHER, I WOULD THINK THAT OR SUGGEST THAT SOME

CORRESPONDENCE BE SENT FROM THIS BOARD TO MR. HOKAMA

REQUESTING THAT HE MAKE THE REQUEST TO THE COUNCIL TO WAIVE

THE ATTORNEY/CLIENT PRIVILEGE SPECIFICALLY SO THAT THIS

BOARD CAN REVIEW THAT REPORT. AND I WOULD THINK THAT YOUR

REVIEW OF THIS REPORT WOULD BE IN EXECUTIVE SESSION, THEN

THE PRIVILEGE WOULD BE AN EXTENT TO YOU, TO THIS BOARD.

ACTING CHAIR OKAMURA: MEANING WHAT, WHAT WOULD

THAT MEAN?

MR. KUSHI: THAT ONCE YOU REVIEW THIS REPORT THAT
IT REMAINS CONFIDENTIAL. IT'S LIKE A DOUBLE-DECKER
CONFIDENTIALITY. BECAUSE THE REPORT IS TO THE COUNCIL AS
THE CLIENT FOR THIS SPECIAL ATTORNEY, AND SO FAR THEY'VE
REFUSED TO MAKE THAT PUBLIC. NOW, FOR THEM TO RELEASE THAT
REPORT TO ANOTHER AGENCY, I'M NOT SURE WHAT THE
RAMIFICATIONS ARE. BUT GO AHEAD AND MAKE THE REQUEST
ANYWAY. IT'S UP TO THEM.

BOARD MEMBER HOWDEN: IT'S CERTAINLY RELEVANT TO
HOW WE CONDUCT BUSINESS ON THIS BOARD. AND IF WE DO ONLY
DISCUSS IT IN EXECUTIVE SESSION, THEN I DON'T SEE WHAT THE

PROBLEM WOULD BE .

BOARD MEMBER ALDRIDGE: I AGREE .

ACTING CHAIR OKAMURA: THANK YOU. ANY OTHER

DISCUSSION? ALL THOSE IN FAVOR PLEASE SAY "AYE ."

(A CHORUS OF AYES)

OPPOSED SAME SIGN.

(NONE)

BOARD MEMBER HOLMBERG: I'M SORRY, ALTHOUGH YOU

HAVE ALREADY CALLED FOR THE VOTE, MY ISSUE IS THAT, IF I'M

CORRECT, WE NEED TO MOVE TO AMEND THE MOTION SO THAT IT WILL

REFLECT BASICALLY WHAT MR. KUSHI WAS JUST SAYING.

ACTING CHAIR OKAMURA: OKAY.

MR. KUSHI: FOR CLARIFICATION.

ACTING CHAIR OKAMURA: SO WOULD SOMEONE LIKE TO
MAKE A MOTION AMEND THE MOTION?

BOARD MEMBER HOWDEN: SO MOVED.

BOARD MEMBER HOLMBERG: SECOND.

ACTING CHAIR OKAMURA: IT HAS BEEN MOVED AND
SECONDED THAT WE AMEND THE MOTION TO READ AS PROPOSED BY
CORPORATION COUNSEL. ALL THOSE IN FAVOR PLEASE SAY "AYE."

BOARD MEMBER HOLMBERG: COULD WE READ THE TEXT OF
WHAT YOU PUT?

ACTING CHAIR OKAMURA: OKAY. WE WRITE A LETTER TO
COUNCILMAN HOKAMA REQUESTING -- TO ASK HIM TO REQUEST THAT

THE COUNCIL WAIVE THE ATTORNEY/CLIENT PRIVILEGE SO THAT THE
BOARD OF WATER SUPPLY CAN REVIEW THE REPORT.

BOARD MEMBER HOLMBERG: AND I WOULD LIKE TO OFFER
AN ADDITIONAL AMENDMENT, THAT AT THE END OF THAT PHRASE "FOR
THE BOARD OF WATER SUPPLY'S REVIEW IN EXECUTIVE SESSION."

ACTING CHAIR OKAMURA: OKAY. SO YOU MOVE TO AMEND
THE AMENDMENT TO ADD THE WORDS "TO BE REVIEWED BY THE BOARD
IN EXECUTIVE SESSION." IS THERE A SECOND?

BOARD MEMBER HOWDEN: SECOND.

ACTING CHAIR OKAMURA: ALL THOSE IN FAVOR OF THE
AMENDMENT TO INCLUDE THE WORDS TO REVIEW THE REPORT BY THE

BOARD IN EXECUTIVE SESSION, PLEASE SAY "AYE."

(A CHORUS OF AYES)

ALL OPPOSED SAME SIGN.

(NONE).

OKAY, MOTION CARRIED.

NOW WE ARE AT THE MAIN AMENDMENT TO THE MOTION.

SO THAT IT WILL READ THAT WE WRITE A LETTER -- ACTUALLY THE

CHAIR WOULD WRITE A LETTER TO COUNCILMAN HOKAMA REQUESTING

THAT THE COUNCIL WAIVE THE ATTORNEY/CLIENT PRIVILEGE SO THAT

THE BOARD OF WATER SUPPLY CAN REVIEW THE REPORT IN EXECUTIVE

SESSION. OKAY, ALL THOSE IN FAVOR SAY "AYE."

(A CHORUS OF AYES)

OPPOSED SAME SIGN.

(NONE).

MOTION CARRIED. SO THE MAIN MOTION IS TO WRITE

THE LETTER, BECAUSE WE ARE VOTING ON THE AMENDMENT. WE NEED

A PARLIAMENTARIAN TOO. SO THE MOTION IS TO WRITE A LETTER,

THAT THE CHAIR WRITE A LETTER TO COUNCILMAN HOKAMA ASKING

HIM TO REQUEST THAT THE COUNCIL WAIVE THE ATTORNEY/CLIENT

PRIVILEGE SO THAT THE BOARD OF WATER SUPPLY CAN VIEW THIS

REPORT IN EXECUTIVE SESSION. OKAY, ANY FURTHER DISCUSSION?

IF NOT, ALL THOSE IN FAVOR PLEASE SAY "AYE."

(A CHORUS OF AYES)

OPPOSED SAME SIGN.

(NONE) .

OKAY, MOTION CARRIED. THANK YOU.

OKAY, THANK YOU. NEXT ITEM, ITEM 9, AGRICULTURE

WATER RATE PROCEDURE. MR. TENGAN, ARE YOU GOING TO -- WOULD

YOU LIKE TO BE ABLE TO START THE DISCUSSION ON THIS TOPIC?

DIRECTOR TENGAN: MR. CHAIR, AS YOU KNOW, THE

BOARD IN THE PAST HAD APPROVED AGRICULTURAL WATER RATES TO

SHOW SUPPORT TO THE AGRICULTURAL INDUSTRY ON THE ISLAND. I

BELIEVE THERE ARE SOME COMPLICATIONS THAT ARE COMING UP IN

THE RENEWAL OF THE APPLICATIONS. I MIGHT DEFER THIS MATTER

TO HELENE KAU, WHO IS THE ASSISTANT FISCAL OFFICER, TO

DISCUSS IT.

ACTING CHAIR OKAMURA: OKAY, HELENE?

MS. KAU: THANK YOU. I'M HELENE KAU, I'M THE ASSISTANT FISCAL OFFICER. IT HAS BEEN BROUGHT TO MY ATTENTION THAT IN CERTAIN INSTANCES IT'S SOMEWHAT DIFFICULT FOR US TO ASCERTAIN WHETHER OR NOT THE APPLICANT IS INDEED ENGAGED IN LEGITIMATE AGRICULTURAL PURPOSES. AGAIN, WE HAVE AN ESTABLISHED METHOD WHEREBY WE DETERMINE -- NOT BASED ON A NECESSARILY STRICT INTERPRETATION ON OUR PART -- WE DETERMINE WHETHER OR NOT THEY ARE ENGAGED IN AG. AND IT INCLUDES AN ANNUAL PROVIDING US WITH A COPY OF THEIR GENERAL EXCISE TAX RETURN SHOWING THAT THEY HAVE REPORTED INCOME.

IN CERTAIN INSTANCES, YOU KNOW, WE HAVE CASES
WHERE THEY HAVE THOUSANDS AND THOUSANDS OF DOLLARS OF RENTAL
INCOME AND \$300 WORTH OF PRODUCE SALES OR, YOU KNOW,
SOMETHING. BUT THERE IS NOTHING BARRING THEM FROM APPLYING
FOR THESE RATES AS LONG AS THEY CAN JUSTIFY USE,
AGRICULTURAL USE. SO I DON'T KNOW IF THE INTENT OF THE
BOARD IS TO EXAMINE THE RATES, TIGHTEN UP THE RULES, WHAT
CONCERNS THERE MAY BE.

ACTING CHAIR OKAMURA: YES, I WANTED THIS ITEM TO
BE BROUGHT UP BECAUSE I JUST HAD QUESTIONS ABOUT LIKE I
FARM, AND I NOTICED THAT SEVERAL YEARS AGO I HAD TO SUBMIT
MY GENERAL EXCISE TAX FORM. BUT THEN NOW YOU JUST SAY,

OKAY, YOU MIGHT BE ASKED FOR YOUR GENERAL EXCISE TAX, YOU
KNOW, THE PREVIOUS YEAR'S G-45, AND YOU DON'T REALLY ASK FOR
THAT FORM ANYMORE. YOU JUST SEND OUT THE FORM, WHICH IS IN
HERE, WHICH ASKS FOR THE PERSON'S GROSS INCOME FROM FARMING,
I THINK, AND THE TMK. BUT YOU DON'T -- I REALIZED I DIDN'T
HAVE TO SEND IN THE G-45 FORM.

SO I WAS WONDERING, YOU KNOW, HOW YOU GUYS ARE
CHECKING ON IT. I KNOW YOU GUYS HAVE ENOUGH TO DO ALREADY,
SO I JUST WAS WONDERING WHAT WAS GOING ON, WHETHER IT WAS
BEING CHECKED. AND NOW THAT YOU HAVE BROUGHT THIS ISSUE UP,
I HAD A QUESTION REGARDING AGRICULTURE RATES. THE POLICY TO
ASK FOR THEIR GENERAL EXCISE TAX FORM, THAT'S NOT A BOARD OF

WATER SUPPLY RULE, IS IT? WHERE IS THAT POLICY? WHICH IS,
YOU KNOW, I DON'T HAVE ANY OBJECTION TO IT, YOU NEED TO SHOW
THAT.

OF THE ESTABLISHMENT OF THE WATER RATES. SEE, THE RATES IN
THE PAST USED TO BE PART OF THE RULES, AND WHEN THE BOARD
ADOPTED NEW RATES I THINK THAT REQUIREMENT WAS PART OF THAT
RULE. I'LL FIND IT HERE.

MS. KAU: MR. OKAMURA, IF I MAY ELABORATE ON THE
REQUEST FOR A COPY OF THE GENERAL EXCISE LICENSE. AGAIN, I
HAVE BEEN WITH THE DEPARTMENT FOR A RELATIVELY SHORT PERIOD
OF TIME, BUT WHEN I REVIEWED SOME OF THE MORE RECENT
APPLICATIONS FROM OUR DEPARTMENT IT APPEARS AS THOUGH IN

SPECIFIC INSTANCES WHERE THERE IS CLEARLY A QUESTION AS TO
WHETHER OR NOT THESE INDIVIDUALS ARE ENGAGED IN LEGITIMATE
AGRICULTURAL BUSINESS, WE DO REQUEST IT. SO I DON'T KNOW
IF, SUCH AS IN YOUR CASE WHERE WE KNOW THAT YOU ARE AN
ESTABLISHED FARMER, THAT WE WOULD REQUEST SOME OF THE
DOCUMENTATION, BUT PERHAPS NOT ALL OF IT.

ACTING CHAIR OKAMURA: SO THAT'S WHAT I WAS
WONDERING. OKAY, THAT'S WHAT I WANTED TO KNOW. SO NOW I
GUESS THE QUESTION WOULD BE LIKE HOW DO YOU DETERMINE IF
THEY'RE ACTUALLY -- THEY DESERVE TO HAVE THAT AGRICULTURE
WATER RATE OR NOT? SO MAYBE THAT'S -- MAYBE WE NEED TO

START FROM THE BASICS TO FIND OUT WHERE IT'S ESTABLISHED,

YOU KNOW, WHAT REQUIREMENTS ARE NECESSARY FOR THE PERSON TO

SHOW THAT HE'S INVOLVED IN ACTIVE AGRICULTURE.

DIRECTOR TENGAN: WELL, THE FIRST REQUIREMENT IS
THAT THE PROPERTY THAT'S GENERATING SO-CALLED INCOME FROM
AGRICULTURAL ACTIVITY, THAT PROPERTY NEEDS TO BE ZONED AG.

ACTING CHAIR OKAMURA: OKAY, IS THAT IN THE RULES?

DIRECTOR TENGAN: YES.

ACTING CHAIR OKAMURA: WHERE IS IT?

DIRECTOR TENGAN: ON PAGE 81 OF THE RULES.

SECTION D SAYS GENERAL OR AGRICULTURAL WATER SERVICE WILL

NOT BE ALLOWED FOR A METER TO REACH A NON-POTABLE

AGRICULTURAL RATE -- NOT THAT ONE. AGRICULTURAL CUSTOMERS,
ON PAGE 80, ARE THOSE ACTIVELY ENGAGED IN CROP RAISING OR
DAIRY FARMING TO DERIVE FARM INCOME ON COUNTY ZONED OR STATE
DESIGNATED AGRICULTURAL LAND. SO IT'S PART OF THE
DEFINITION. AND THEN IN ANSWER TO YOUR QUESTION ON THE FORM
G-45, THAT'S FOUND IN THE TOP PARAGRAPH, ITEM C OF PAGE 81.

MR. CHAIR, I MIGHT ADD THAT I BELIEVE THE MAYOR
HAS A COUNTY AGRICULTURAL ADVISORY COMMITTEE. AND AT ONE
TIME I WAS OF THE UNDERSTANDING THAT THAT COMMITTEE WAS
GOING TO BE DEFINING WHAT IS AN AGRICULTURAL ACTIVITY, AND
WHETHER THAT ACTIVITY QUALIFIES FOR AGRICULTURAL RATES. AND
SO WE HAVE BEEN KIND OF WAITING FOR THAT TO COME OUT FROM

THE COMMITTEE. AND ONCE THAT COMES OUT FROM THAT COMMITTEE,
THEN WE CAN IMPLEMENT WHAT THAT COMMITTEE IS DEEMING TO BE
AN AGRICULTURAL ACTIVITY THAT WOULD QUALIFY FOR AG RATES.

ACTING CHAIR OKAMURA: OKAY, GOOD POINTS. THANK
YOU. YES, THAT'S A GOOD IDEA. IT INVOLVES NOT ONLY WATER
BUT TAX RATES AND EVERYTHING. OKAY, IS THERE ANY OTHER
DISCUSSION ON THIS ISSUE? SO MAYBE WHAT SHOULD WE DO,
SHOULD WE JUST WAIT? ARE YOU SORT OF KEEPING TRACK OF THE
COMMITTEE'S PROGRESS.

MR. TENGAN: I HAVEN'T FOLLOWED WHAT THE COMMITTEE
HAS BEEN DOING, BUT I HAVE BEEN WAITING FOR THAT DEFINITION
TO COME ABOUT FROM THE COMMITTEE.

BOARD MEMBER HOWDEN: I THINK THEY'RE PRETTY

CLOSE. AT THE LAST KULA COMMUNITY ASSOCIATION MEETING THEY

SHARED A DRAFT OF THAT, AND IT SEEMED PRETTY REASONABLE, AND

IT SEEMED THAT THEY WERE PRETTY CLOSE TO IT.

BOARD MEMBER ALDRIDGE: MR. CHAIR?

ACTING CHAIR OKAMURA: MR. ALDRIDGE.

BOARD MEMBER ALDRIDGE: I HAVE A RELATED QUESTION.

I GUESS ONE REASON BEING THAT I'M A NEW MEMBER AND CONFUSED

BY SOME OF THESE RULES. BUT IT SAYS THESE RULES ARE

ESTABLISHED FOR ESTABLISHING NOT ONLY RATES. ARE THEY NOW,

UNDER THE NEW CHARTER, PART OF THE COUNTY ORDINANCES? ARE

THEY STILL APPLICABLE AS RULES? READING THAT WHOLE

DISSERTATION ON RULES VERSUS ORDINANCES, IT'S ACTUALLY MORE

CONFUSING THAN ENLIGHTENING TO ME.

MR. KUSHI: MR. CHAIR, I BELIEVE HELENE CAN

CLARIFY IT. I THINK THE COUNCIL ADOPTED ALL THE RATES AND

CHARGES AS PART OF ITS BUDGET ORDINANCE. SO ANY BUDGET

ORDINANCE, AS AN APPENDIX THERE'S RATES, FEES, CHARGES. AND

I BELIEVE YOU WILL FIND THE WATER DEPARTMENT'S CHARGES IN

THERE. RIGHT?

MS. KAU: THAT IS CORRECT.

MR. KUSHI: AS WELL AS THE WATER METER FEES.

BOARD MEMBER ALDRIDGE: ALL RIGHT. SO ESSENTIALLY

VERBATIM WOULD BE THESE RULES IN THOSE?

MR. KUSHI: WHAT YOU HAVE IN YOURS MAY BE
OUTDATED, BECAUSE LIKE THE WATER SYSTEM DEVELOPMENT FEE OR
THE RATES WENT UP.

DIRECTOR TENGAN: THE RATES HAVE CHANGED.

MR. KUSHI: THE RATES HAVE CHANGED. SO WHAT YOU
HAVE IN YOUR BOOK MAY BE OUTDATED.

ACTING CHAIR OKAMURA: ANY OTHER QUESTIONS? OKAY,
WHAT WE COULD DO IS TO REQUEST THAT THE DEPARTMENT KEEP
TRACK OF THE DEFINITION THAT THE MAYOR'S ADVISORY COUNCIL IS
WORKING ON TO SEE IF THERE'S ANYTHING, TO SEE HOW IT'S
GOING, AND IF THAT WOULD BE APPLICABLE TO HELP YOU GUYS

DETERMINE .

MS. KAU: YES, AND WE WILL REPORT IT TO THE BOARD.

ACTING CHAIR OKAMURA: THANK YOU.

DIRECTOR TENGAN: MR. CHAIR, ARE YOU ON THAT

COMMITTEE?

ACTING CHAIR OKAMURA: NO.

DIRECTOR TENGAN: I HAVE BEEN WAITING FOR THEM TO

ASK FOR COMMENTS FROM THE DEPARTMENT REGARDING THE

DEFINITION OF AGRICULTURAL ACTIVITY. ANYWAY, I WILL MAKE

THE INQUIRY.

ACTING CHAIR OKAMURA: THANK YOU. OKAY, THANK YOU

EVERYBODY. THE NEXT ITEM IS OTHER BUSINESS, SECTION 10-A,

DISCUSSION WITH THE CORPORATION COUNSEL AS TO THE BOARD'S
ROLE, POWERS, DUTIES, AND FUNCTIONS AS SET FORTH IN SECTIONS
8-11.3 AND 8-11.4 OF THE MAUI COUNTY CHARTER, 2003 EDITION,
AS AMENDED. AND FOR THIS MATTER, THE BOARD MAY CONVENE IN
EXECUTIVE SESSION PURSUANT TO HRS 92-5 IN ORDER TO CONSULT
WITH THE BOARD'S ATTORNEY ON QUESTIONS AND ISSUES PERTAINING
TO THE BOARD'S POWERS, DUTIES, PRIVILEGES, IMMUNITIES, AND
LIABILITIES. WOULD THAT BE NECESSARY, MR. KUSHI?

MR. KUSHI: MR. CHAIR, UNLESS YOUR QUESTIONS
BECOME VERY SENSITIVE AND CONFIDENTIAL, AT THIS POINT IN
TIME I DON'T THINK YOU NEED TO BE IN EXECUTIVE SESSION. I

WILL TRY TO BE BRIEF. THESE ISSUES, AND BELIEVE ME, THERE
ARE ISSUES, HAVE COME UP BEFORE NOT ONLY BEFORE THIS BOARD,
BUT BEFORE THE FULL COUNCIL, AMONGST OTHER AREAS. WHAT I'VE
PASSED OUT TO YOU IS, IF YOU CAN DIGEST THIS, A SCENARIO, A
BEFORE AND AFTER SCENARIO. IT'S A ONE PAGE DOCUMENT
ENTITLED -- AND IT'S JUST COPIED FROM THE CHARTER, CHAPTER
11. THIS IS WHAT THE CHARTER STATED BEFORE THE 2002 CHARTER
AMENDMENTS.

AND READ IT FOR WHAT IT STATES. UNDER BASICALLY
SECTION 8-11.4, POWERS, DUTIES AND FUNCTIONS OF THE BOARD OF
WATER SUPPLY. YOU HAVE SEVEN LISTED HERE. SO THIS WAS THE
SYSTEM BEFORE THE CHARTER CHANGE. IN ESSENCE, THE

DEPARTMENT UNDER THE CONTROL OF THE BOARD WAS

SEMI-AUTONOMOUS. IT WENT TO THE COUNTY BASICALLY FOR RULE

CHANGES. THE COUNCIL STILL HAD OVERSEEING POWERS ON RULE

CHANGES, INCLUDING RATES AND FEES. IT WENT TO THE COUNTY

FOR ISSUANCE OF GENERAL BOND OBLIGATIONS, GENERAL BOND

APPROPRIATIONS, IF NEEDED. BUT ASIDE FROM THAT, IT WAS ON

ITS OWN.

NOW, WHAT HAPPENED AFTER THAT IS THE TWO PAGE

SUMMARY, OKAY. THIS WAS TAKEN OUT FROM BASICALLY THE BALLOT

QUESTION ON THE CHARTER AMENDMENT IN THE 2002 ELECTION. AND

IF YOU LOOK AT THE QUESTIONS PRESENTED TO THE VOTERS, THIS

IS QUESTION 9-A, IN ESSENCE, THEY CHANGED THE DEPARTMENT OF

WATER SUPPLY INTO A REGULAR COUNTY DEPARTMENT. IT RECASTED
THE BOARD OF WATER SUPPLY TO AN ADVISORY BODY WITH POWER TO
RECOMMEND BUDGET APPROVALS AND RE-ADJUSTMENTS. IT ASSIGNED
THE MAYOR THE POWER TO APPOINT THE DIRECTOR. AND IT STILL
CONTINUED THE COUNCIL'S POWER TO APPROVE RATES AND
REGULATIONS.

BUT IN ESSENCE, IT RECAST THE DEPARTMENT INTO A
REGULAR DEPARTMENT, LIKE THE PUBLIC WORKS DEPARTMENT, LIKE
THE PARKS DEPARTMENT, ALL OTHER NON-ADVISORY, NON-BOARD AND
COMMISSION DEPARTMENTS. SEVERAL OF THE OTHER DEPARTMENTS,
TO MY KNOWLEDGE, THAT HAVE AUTHORITY NOT VESTED IN THE
EXECUTIVE BRANCH, BUT INDEPENDENT BOARDS, WOULD BE LIKE THE

LIQUOR DEPARTMENT, LIQUOR CONTROL, LIQUOR COMMISSION. THE
POLICE DEPARTMENT HAS VARIOUS POWERS. BY CHARTER CHANGE,
THE FIRE DEPARTMENT HAS A FIRE COMMISSION. CIVIL SERVICE
DEPARTMENT HAS A CIVIL SERVICE COMMISSION. ASIDE FROM THOSE
DEPARTMENTS, ALL OTHER DEPARTMENTS FALL UNDER THE EXECUTIVE
BRANCH, AS JACKY POINTED OUT IN THE ORGANIZATIONAL CHART.

NOW, WHERE THAT LEADS US TO IS, IN ESSENCE, IF YOU
LOOK AT THE BEFORE CHARTER POWERS UNDER THE BOARD, SECTION
8-11.4, AND YOU LOOK AT THE NEW ONES, THE NEW CHARTER
AMENDMENT, EXISTING CHARTER, WHICH IS 8.11.4, YOU NOTICE
THAT THE POWERS OF THE BOARD OF WATER SUPPLY REALLY HAS COME

DOWN TO TWO. ONE, TO REVIEW AND SUBMIT TO THE MAYOR THE
DEPARTMENT'S BUDGET. TO RECOMMEND THE ESTABLISHMENT AND
ADJUSTMENT OF RATES, AND PERFORM OTHER FUNCTIONS AS
PRESCRIBED BY LAW.

SO THAT'S WHERE IN ESSENCE FOR A SEMI-AUTONOMOUS
DEPARTMENT WITH AN EXECUTORY BOARD, WE ARE NOW REDUCED TO A
DEPARTMENT WITH AN ADVISORY BOARD. BEFORE THE CHARTER
AMENDMENT WHAT THIS BOARD SAID THE DIRECTOR AND DEPUTY HAD
TO CARRY OUT. IF NOT, THE DEPUTY WOULD BE, YOU KNOW,
SUBJECT TO REAPPOINTMENT. THE DEPARTMENT THROUGH THE BOARD
COULD HOLD AND SELL AND ACQUIRE REAL PROPERTY. NOW IT
CAN'T. IT COULD GO OUT AND IN ESSENCE ADOPT ITS OWN ANNUAL

BUDGET. IT DIDN'T HAVE TO GO THROUGH BUDGET HEARINGS. IT

COULD ESTABLISH RATES AND FEES SUBJECT TO THE COUNCIL'S

APPROVAL. IT COULD REVISE, AMEND, OR REESTABLISH RULES AND

REGULATIONS SUBJECT TO COUNCIL APPROVAL, OKAY. NOW

EVERYTHING HAS CHANGED.

WITH RESPECT TO THE SPECIFIC ISSUE ABOUT RULES AND

REGULATIONS, I BELIEVE IN HOKAMA'S LETTER TO THIS BOARD,

WHICH YOU BROUGHT UP PREVIOUSLY, HE ATTACHED A COUPLE OF

MEMOS FROM OUR OFFICE. AND I THINK IT DETAILS WHAT OUR

OFFICE'S OPINION IS AS FAR AS THE STATUS OF YOUR EXISTING

RULES. AND MY VOICE IS WEARING OUT, BUT IN ESSENCE, TO PUT

IT IN A NUTSHELL, THE RULES AS EXISTED AND AS DULY PASSED BY

THE BOARD PREVIOUSLY ARE STILL VALID AND LEGAL UNLESS IT
CONFLICTS WITH THE INTENT OF THE NEW CHARTER CHANGES.

SO WHERE THE RULES PROVIDE THAT THIS BOARD HAS THE
AUTHORITY TO OVERRULE THE DECISION OF THE DIRECTOR, AND
THERE ARE SEVERAL APPEAL PROCEDURES, THAT IS INCONSISTENT
WITH THE CHARTER PROVISIONS. WHERE IT PROVIDES, THE BOARD
HAS THE SOLE AUTHORITY TO ESTABLISH RATES AND FEES THROUGH
RULES, THAT AGAIN HAS BEEN OVERRULED BY THE CHARTER CHANGE.

THE OTHER TECHNICAL PORTIONS OF THE RULES
REGARDING SUBDIVISIONS, IMPROVEMENTS FOR SUBDIVISIONS, METER
ISSUANCE, THE KULA RULE, I MEAN THE UPCOUNTRY PRIORITY LIST
RULE, ALL THOSE REMAIN IN EFFECT BECAUSE THEY ARE NOT

INCONSISTENT WITH THE CHARTER CHANGE. THE COUNCIL THROUGH

ITS COMMITTEE, WATER RESOURCES COMMITTEE, IS CURRENTLY

CONSIDERING INCORPORATING THESE RULES INTO ORDINANCE FORM.

SPECIFICALLY AN EXAMPLE WOULD BE THE FIRE CODE, THE PLUMBING

CODE, THE ELECTRICAL CODE, THE BUILDING CODES. ALL THOSE

ARE INCORPORATED INTO THE ORDINANCE AS A MAUI COUNTY

ORDINANCE, RATHER THAN THE RULES. SO THEY'RE IN THE PROCESS

OF DOING THAT, CODIFYING THESE RULES INTO ORDINANCES.

THE NET EFFECT IS THAT THE COUNCIL THEN DECIDES

WHAT RULES SHOULD BE EFFECTIVE, OKAY. FINE AND WELL. BUT

THEN ANY AMENDMENTS TO THAT RULE WOULD HAVE TO BE AN

ORDINANCE CHANGE, AND THAT TAKES TWO READINGS. SO THE

PROCESS MAY BE DELAYED. THE COUNCIL DOES NOT HAVE AUTHORITY

TO ADJUDICATE MATTERS TO MAKE CONTESTED CASE HEARINGS,

BECAUSE THEY'RE A LEGISLATIVE BODY. THEY MAY DELEGATE THAT

RESPONSIBILITY BACK TO THIS BOARD. THAT IS STILL AN

OUTSTANDING ISSUE, BECAUSE THE CHARTER AMENDMENT

SPECIFICALLY TOOK THAT AWAY FROM THEM.

WHAT WE'RE SAYING IN ONE OF THESE MEMOS IS THAT

YOU CANNOT REINSTATE THROUGH ORDINANCE WHAT WAS TAKEN AWAY

BY A CHARTER AMENDMENT. THAT'S OUR POSITION. BUT YET THEY

MAY CREATE ANOTHER BOARD, BUT THAT IS STILL LEFT UP IN THE

AIR.

WITH RESPECT TO GETTING BACK TO THIS BODY'S
FUNCTIONS, SINCE THE CHARTER CHANGE, THE DEPARTMENT HAS NOT
ASKED FOR APPROVAL OF EVERYTHING THAT THEY'VE DONE, AS YOU
HAVE NOTICED, BECAUSE THE FOUR OF YOU ARE NEW. BUT THEY
HAVE COME TO THIS BOARD FOR BUDGETARY ITEMS. AND TO MY
RECOLLECTION, THEY HAVE COME TO THE BOARD FOR ISSUES AND
MATTERS WHICH THEY FEEL THEY NEED FURTHER INPUT BEFORE
MOVING ON. THEY HAVE NOT COME TO YOU FOR ADVICE ON
EVERYTHING. PREVIOUSLY THEY HAD TO. THEY HAVE COME TO YOU
FOR ISSUES LIKE THESE TWO MATTERS THAT YOU HAVE HEARD TODAY,
THE SANTOS CASE AND THE MURAYAMA CASE, AS WELL AS OTHER
CASES WHERE THE DEPARTMENT OR THE APPLICANT ITSELF FEELS

THIS THEY NEED ANOTHER FORUM. OR THE MAYOR HAS SET DOWN, IN
CASE OF THE MUSTARD MURAYAMA ISSUE, THE MAYOR HAS SENT IT
DOWN DIRECTLY TO HAVE THIS BOARD REVIEW AND MAKE A
RECOMMENDATION. WHATEVER THE BOARD DOES PURSUANT TO THE
CHARTER, WHATEVER YOU DECIDE IS A RECOMMENDATION TO THE
DEPARTMENT, THE DIRECTOR, AND TO THE MAYOR.

IN A NUTSHELL, I KNOW FOR SOME BOARD MEMBERS IT
WAS HARD TO TAKE, BUT THAT'S WHAT THE ELECTORATE SAID. AND
UNTIL WE GET THE RULES AND REGULATIONS UPDATED AND CODIFIED
EITHER THROUGH ANOTHER SET OF RULES AND REGULATIONS OR AN
ORDINANCE ITSELF, LIKE THE BUILDING CODE, WE MAY BE IN A
LIMBO SITUATION. OUR OFFICE SAID THIS MANY TIMES BEFORE THE

COUNCIL, THAT IF AN AFFECTED CUSTOMER OR APPLICANT COMES
BEFORE THE BOARD OR THE DEPARTMENT AND THE ADVERSE DECISION
STANDS, AND IT IS ADVERSE TO HIM, HE MAY TAKE IT TO THE
JUDICIAL BRANCH, THE CIRCUIT COURT, TO APPEAL ADMINISTRATIVE
DECISIONS. WE HAVEN'T HAD THAT YET. BUT IN THAT CASE THE
COURT MAY SAY YOU HAVE NOT HAD A CHANCE TO HAVE A CONTESTED
CASE HEARING BECAUSE THE HEARINGS BEFORE YOU ARE NOT
CONTESTED CASE HEARINGS BECAUSE YOU HAVE NO AUTHORITY TO
OVERRULE. SO THE COURT MAY KICK IT BACK TO THE COUNTY AND
SAY, "YOU EITHER SET UP A BOARD TO HAVE A FULL-ON CONTESTED
CASE HEARING, OR I WILL GRANT THE RELIEF REQUEST." THAT

WOULD PUT US BETWEEN A ROCK AND A HARD PLACE. OR THE COURT
MAY JUST SAY, "APPLICANT, YOU ARE OUT OF LUCK, I CAN'T HEAR
THIS BECAUSE THERE'S NO CONTESTED CASE HEARING." THAT HAS
YET TO HAPPEN.

WE HAVE ADVISED IN THE PAST APPLICANTS REGARDING
SUBDIVISIONS. ON A SUBDIVISION MATTER, THE FINAL AUTHORITY
TO GRANT YES OR NO ON A SUBDIVISION IS NOT THE DIRECTOR OF
WATER SUPPLY, IT'S THE DIRECTOR OF PUBLIC WORKS. BUT THE
DIRECTOR OF PUBLIC WORKS WILL TAKE THE DIRECTOR OF WATER
SUPPLY'S RECOMMENDATION IN SAYING YES OR NO TO A
SUBDIVISION. THAT BEING THE CASE, THE DECISION ON A DENIAL
OF A SUBDIVISION IS A DECISION FROM THE DIRECTOR OF PUBLIC

WORKS. ANY DECISIONS FROM THAT OFFICE CAN BE APPEALED TO

THE BOARD OF VARIANCES AND APPEALS. THAT IS ONE ROUTE WHERE

AN APPLICANT COULD GO. IT HASN'T HAPPENED YET.

SO I'M NOT SAYING EVERYTHING IS ROSEY, I'M NOT

SAYING EVERYTHING DOESN'T WORK, BECAUSE WE HAVE NOT HAD A

MAJOR BREAKDOWN YET. BUT THE SYSTEM NEEDS TO BE FIXED.

WHERE YOU COME IN IS ON VARIOUS LEVELS IN ADVISING THE

DEPARTMENT ON ISSUES WHICH THEY BRING TO YOU. OKAY, I MUST

EMPHASIZE THAT THE MAYOR OR THE DEPARTMENT OR THE COUNCIL

BRINGS TO YOU FOR ADVICE AND RECOMMENDATIONS. AN EXAMPLE,

MY BOSS AND MY ASSOCIATE BROUGHT THIS ISSUE OF SPECIAL

COUNSEL FOR WATER RELATED MATTERS BEFORE THE STATE

COMMISSION AT THE LAST MEETING. WE WANTED TO HAVE THAT
BROUGHT BEFORE YOU, THIS BODY, BECAUSE WE ARE GOING TO GO UP
TO THE COUNCIL TO ASK FOR APPROPRIATIONS. THAT'S A CLEAR
EXAMPLE OF WHY WE NEED THIS BODY.

BUT ASIDE FROM THAT, THE CHARTER AMENDMENT, IN OUR
OPINION, VASTLY TOOK AWAY THE POWER AND AUTHORITY OF THIS
BOARD. I CAN GET INTO SPECIFICS. I KNOW IT'S A MOUTHFULL
WITH HALF A VOICE. BUT IN ESSENCE, WE HAVE BEEN DEALING
WITH THIS ISSUE SINCE THE CHARTER CHANGE, AND FRANKLY, THERE
WAS AN ALTERNATE ISSUE, A QUESTION ON THE CHARTER, IF YOU
RECALL, QUESTION 9, WHICH IN ESSENCE WANTED TO CONVERT THIS
BOARD TO A FULLY AUTONOMOUS BODY, AND THE ELECTORATE CHOSE

THIS ALTERNATIVE.

NOW, FOR THOSE OF YOU WHO MAY RECALL, IN THE EARLY

'80'S, '82 TO '86 OR '88, THE BOARD WAS IN THIS VERY

SITUATION, AND I BELIEVE IT WAS MAYOR TAVARES' REGIME, THAT

THE BOARD WAS NOT SEMI-AUTONOMOUS, IT WAS PART OF A REGULAR

DEPARTMENT. IT WAS SOLELY ADVISORY. THEN IT CHANGED BACK

AGAIN IN THE LATE '80'S, EARLY '90'S. NOW WE ARE BACK

AGAIN. SO THE FUNCTION OF THIS BOARD HAS GONE FROM ONE WAY

TO ANOTHER. IT FLIP-FLOPPED TWO TIMES SO FAR. SO,

MR. CHAIR.

ACTING CHAIR OKAMURA: THANK YOU, MR. KUSHI. ARE

THERE ANY QUESTIONS? MICHAEL.

BOARD MEMBER HOWDEN: MR. KUSHI, WHAT DOES IT MEAN
THEN WHEN IT SAYS THAT THE BOARD SHALL ACT AS AN ADVISOR TO
THE DIRECTOR OF THE DEPARTMENT AND ET CETERA? I MEAN DOES
THAT CARRY ANY WEIGHT? BECAUSE I REMEMBER GOING IN AND
TALKING TO JEFF PEARSON WHEN HE WAS DEPUTY DIRECTOR ABOUT AN
ISSUE, AND HERB CHANG SAT IN ON THE MEETING. AND THEY SAID,
"WELL, IF YOU HAVE SOME PROBLEMS WITH THIS YOU CAN ALWAYS GO
TO THE DIRECTOR OR YOU CAN GO TO THE WATER BOARD." I MEAN
THIS IS IN RECENT HISTORY AFTER THE CHANGE HAPPENED HERE.
OR YOU CAN GO TO THE MAYOR. AND I JUST WONDERED IF HIS
COUNSEL TO COME TO THIS BOARD WAS MEANINGLESS.

MR. KUSHI: IF THE COUNCIL?

BOARD MEMBER HOWDEN: HIS COUNSEL, HIS ADVICE TO
US. HE WAS SAYING IF YOU ARE SEEKING A SOLUTION TO A
PROBLEM YOU EITHER GO TO THE DIRECTOR, OR TO THE BOARD, OR
TO THE MAYOR. THAT WAS THE CIRCUITRY THAT HE DESCRIBED TO
US.

MR. KUSHI: IF IT COMES FROM STAFF LET'S SAY ON A
DECISION OR WHATEVER, IF IT COMES FROM STAFF THEN STAFF IS
CORRECT. "IF YOU DON'T LIKE MY DECISION, SEE MY BOSS, THE
DIRECTOR." IF THE DIRECTOR AFFIRMS HIS DECISION, THEN YOU
HAVE A CHOICE, YOU KNOW, COME TO THIS BOARD TO REVIEW THE
SITUATION AND YOU CAN MAKE A RECOMMENDATION TO HIM, OR YOU

CAN GO STRAIGHT TO THE MAYOR, THE MAYOR IS HIS CONTROLLING
AUTHORITY.

OKAY, SO IN THAT INSTANCE I THINK THAT ADVICE WAS
CORRECT, OR YOU COULD YOU GO STRAIGHT TO COURT. BUT THEN,
AGAIN, THE JUDGE WILL SAY, "DID YOU HAVE A HEARING?"

BOARD MEMBER HOWDEN: AND THIS BASICALLY IS A DE
FACTO HEARING BEFORE THE BOARD?

MR. KUSHI: I GET CONFUSED BETWEEN DE FACTO AND
DEJUR ALL THE TIME. IT IS A HEARING. IT'S NOT AUTHORIZED
BECAUSE THERE'S NO FEE, YOU KNOW. AND THERE'S NO RESULT
BECAUSE THE DECISION IS UNENFORCEABLE, IF YOU ARE ASKING ME
THAT. AND REALLY THERE'S NO OPPORTUNITY FOR

CROSS-EXAMINATION. THERE'S NO OPPORTUNITY FOR ATTORNEYS ON
A FULL CONTESTED CASE HEARING.

I MEAN, AGAIN, I WISH THE CHARTER AMENDMENT PEOPLE
OR THE COMMISSION HAD PUT PROVISIONAL OR TRANSITIONAL
PROVISIONS THAT IN CASE THIS THING PASSES WHAT WILL HAPPEN
TO THESE RULES, BUT THEY DIDN'T.

DIRECTOR TENGAN: I DON'T THINK THE CHARTER
COMMISSION HAD THE TIME OR THE OPPORTUNITY TO DO THAT,
BECAUSE THIS 9-A WAS PLACED ON THE BALLOT QUITE LATE BEFORE
THE VOTING TOOK PLACE.

MR. KUSHI: YES. FOR THE RECORD, THIS CHARTER

AMENDMENT 9-A WAS A COUNCIL INTRODUCED AMENDMENT. THE

CHARTER COMMISSION PROPOSED AMENDMENT 9, WHICH WOULD HAVE

GIVEN THIS BOARD FULL AUTHORITY.

DIRECTOR TENGAN: MR. CHAIR, I MIGHT ADD THAT YOU

HAVE BEEN SEEING A LOT OF REQUESTS TO LET'S SAY OVERTURN

DECISIONS BY THE DEPARTMENT. A LOT OF THESE SITUATIONS WERE

GOING UP TO THE MAYOR AND, YOU KNOW, THE MAYOR HAS OTHER

DEPARTMENTS AND OTHER THINGS THAT HE NEEDS TO LOOK AT. AND

HE FELT THAT HE WAS GETTING TOO MANY OF THESE REQUESTS TO

LOOK AT THE DECISIONS OF THE DEPARTMENT. SO HE ASKED THAT

WE, THE DEPARTMENT, REFER THESE MATTERS TO THE BOARD AND GET

A RECOMMENDATION FROM THE BOARD, AND THAT'S WHY THEY'RE

COMING UP TO YOU.

IF YOU RECALL, MOST OF THE AGENDA ITEMS HAVE BEEN
IN THIS AREA FOR THE BOARD. WE TAKE THE RECOMMENDATIONS
FROM THE BOARD SERIOUSLY. AND IN FACT, I DON'T THINK WE
HAVE GONE AGAINST ANY RECOMMENDATIONS BY THE BOARD EXCEPT
FOR ONE SITUATION WHERE IT'S KIND OF IN LIMBO RIGHT NOW.
BUT IN MAKING RECOMMENDATIONS TO THE DIRECTOR AND TO THE
MAYOR, YOUR REASONS FOR THOSE RECOMMENDATIONS SHOULD BE
STATED SO THAT WE HAVE SOME BASIS UPON WHICH WE CAN CONSIDER
THE RECOMMENDATION. AND THAT'S WHY I TRY TO REMIND THE
BOARD ABOUT THIS WATER METER ISSUANCE RULE, AND THE BASIS ON
WHICH THE BOARD IN THE PAST COULD OVERTURN THE DIRECTOR'S

DECISION.

MR. KUSHI: MR. CHAIR, IN ONE INSTANCE, AND THIS
CAME UP AND WILL COME UP ANNUALLY, UNDER YOUR EXISTING
SECTION 8-11.4, POWERS, DUTIES AND FUNCTIONS, ONE OF THE
TWO, POWERS AND DUTIES AND FUNCTIONS ARE STILL IN THERE. IT
SAYS TO REVIEW AND SUBMIT TO THE MAYOR THE DEPARTMENT OF
WATER SUPPLY'S REQUEST FOR AN ANNUAL APPROPRIATION FOR
ANNUAL APPROPRIATIONS AND IMPROVEMENTS.

AS YOU RECALL, THIS BUDGET CYCLE THEY DO IT EVERY
YEAR. THE DEPARTMENT BROUGHT THE PROPOSED BUDGET BEFORE
THIS BODY IN NOVEMBER, OCTOBER OR NOVEMBER OF 2005 FOR
REVIEW AND SUBMITTAL TO THE MAYOR BEFORE THE MAYOR SUBMITS

HIS ENTIRE BUDGET TO THE COUNCIL. THEN WE HAD TWO MEETINGS

OF THE BOARD, AND FOR WHATEVER REASON THEY COULDN'T -- THE

BOARD AT THAT TIME COULDN'T GET A MAJORITY, COULDN'T SAY

YES, NO, OR GO FLY A KITE. BUT BECAUSE THE DEPARTMENT WAS

FACING A DEADLINE TO SUBMIT ITS BUDGET TO THE MAYOR'S

OFFICE, IN ESSENCE THIS BOARD DID NOT MAKE A RECOMMENDATION.

NOW, THE ISSUE CAME UP BECAUSE THE BOARD DID NOT

MAKE A RECOMMENDATION, IS THEREFORE THE DEPARTMENT'S BUDGET

NULL AND VOID? BECAUSE IT SAYS REVIEW AND SUBMIT, RIGHT?

NOW, WE LOOKED AT THAT, AND WE HAVE TO INTERPRET IT IN

REFERENCE TO ANOTHER CHARTER PROVISION SAYING THAT THE

MAYOR'S OFFICE MUST SUBMIT ITS ANNUAL APPROPRIATIONS FOR ALL
THE COUNTY DEPARTMENTS ON OR BEFORE THIS DATE, OKAY. THE
QUESTION IS, IF THE MAYOR FAILS TO DO THAT DO WE HAVE NO
BUDGET? SO WE CANNOT THEN BLOCK HIS SUBMITTAL. IT WOULD BE
RIDICULOUS IF THE LAW WOULD STATE BLOCK HIS DEPARTMENT
SUBMITTAL TO THE NINTH FLOOR BEFORE THE NINTH FLOOR CAN
SUBMIT IT TO THE EIGHTH FLOOR, THE COUNCIL.

SO IN THAT CASE THE CHARTER SAYS WHAT IT SAYS, BUT
IN READING IT INTO ANOTHER CHARTER PROVISION IT DOESN'T MAKE
SENSE, OKAY. I KNOW YOU WILL BRING THAT UP LATER ON.

ACTING CHAIR OKAMURA: I WILL?

MR. KUSHI: YOU BROUGHT IT UP THE LAST TWO YEARS.

ACTING CHAIR OKAMURA: IT'S NOT BUDGET TIME YET.

MR. KUSHI: BUT AGAIN, THE ONLY THING YOU CAN DO
IS URGE THE DEPARTMENT TO SUBMIT ITS PROPOSED BUDGET
EARLIER.

BOARD MEMBER HOLMBERG: MR. CHAIR, A QUESTION FOR
MR. KUSHI. I WAS READING THROUGH YOUR OPINIONS REGARDING
THE RESPONSIBILITIES OF THE BOARD, AND I AGREED WITH YOUR
CONCLUSIONS, AND I JOINED -- UNDER THE NEW CHARTER I VOTED
FOR THE AMENDMENT THAT PUT US IN THIS POSITION, SO I HAVE NO
POSITION TO MOAN OR COMPLAIN.

MY ONLY QUESTION IS REGARDING SOME OF THE BACKING
ARGUMENTS YOU ARE MAKING REGARDING THE RIGHT OF THE COUNCIL,

THE COUNTY COUNCIL, TO DELEGATE POWERS TO THE BOARD THAT
WERE TAKEN AWAY BY THE CHARTER AMENDMENT. AND IN ESSENCE, I
SEEM TO BE READING THAT IN ESSENCE THE US CONGRESS, THE
STATE LEGISLATURE HAVE THE RIGHT OR HAVE EXERCISED THE RIGHT
TO DELEGATE POWERS TO BOARDS AND DEPARTMENTS AND WHATNOT,
ALTHOUGH THAT HASN'T NECESSARILY BEEN TESTED IN COURT. AND
I WONDER IN WHAT WAY -- GRANTED, THE CHARTER, IN ESSENCE
WHAT THE VOTERS VOTED ON IS THEY WANTED THE COUNCIL AND THE
MAYOR TO HAVE RESPONSIBILITY. THEY WANTED THEIR ELECTED
OFFICIALS TO HAVE RESPONSIBILITY FOR THE WATER DEPARTMENT.
IF THEIR ELECTED OFFICIALS -- IF THEY CHOOSE THEREAFTER TO
DELEGATE SOME OF THOSE RESPONSIBILITIES, WHAT IS REALLY TO

STOP THEM FROM DOING SO?

GRANTED, THERE WAS A CHARTER CHANGE. IT GAVE THEM
RESPONSIBILITY. IF THEY DECIDE TO ACT ON THAT
RESPONSIBILITY BY HAVING SOME GROUP OF PEOPLE DO THE
NITTY-GRITTY WORK, IT MAY SEEM THAT THEY'RE GOING BACK
AGAINST WHAT THE VOTERS HAVE SAID. BUT NEVERTHELESS, THEY
HAVE MADE THE DECISION. I WONDERED HOW THAT FITS IN AGAINST
THE ABILITY OF THE LEGISLATURE OR THE CONGRESS TO DELEGATE
AUTHORITY.

MR. KUSHI: YOU ARE TALKING ABOUT THE
NON-DELEGATION OR WHATEVER, WHICH IS I THINK ONE OF MY

MEMOS. BRIAN MOTO WROTE THAT OUT. IN ESSENCE, IT SAYS, YOU
KNOW, A SUPERIOR AGENCY CANNOT DELEGATE ITS FUNCTIONS DOWN
TO A NON-RESPONSIBLE AGENCY. THE CASE LAW BASICALLY SAYS
THAT -- IN MOST OF THE CASES OUR COURTS HAVE SAID, OKAY,
MOTO'S RESEARCH, OUR OFFICE RESEARCHED AND THERE'S ONLY TWO
CASES BACK IN THE 30'S THAT SUPPORTS IT. NO, YOU CAN'T DO
IT. I AM NOT SURE OF THE FACTUAL SITUATIONS ON THOSE TWO
CASES, BUT I DON'T BELIEVE THAT THERE IS A SITUATION WHERE
THE SUPERIOR AGENCY OR BODY, THE COUNCIL, DELEGATED ITS
FUNCTIONS TO A BOARD THAT HAD THE AUTHORITY PREVIOUSLY.

SO WHAT WE'RE SAYING IS THAT THE CHARTER TOOK IT
AWAY AND THEN NOW THIS BOARD, THIS COUNCIL, IS GIVING IT

BACK. IF THE CHARTER DIDN'T TAKE IT AWAY, THEN MAYBE THEY

COULD DELEGATE IT OR DELEGATE IT TO A DIFFERENT BOARD. BUT

THE PLAIN READING FROM OUR OFFICE IS THAT THE ELECTORATE

SAID, "WE DON'T WANT TO HAVE THIS BOARD HAVE THIS FUNCTION."

I MEAN IF THAT'S THE CASE, THEN COULD THE COUNCIL

AUTHORIZE THIS BOARD TO PURCHASE REAL PROPERTY, OR BUY, OR

CONDEMN, WHICH THIS BOARD HAD THE POWER BEFORE. IT IS A

PROBLEM, OKAY. THE COUNCIL IS CONSIDERING AN ORDINANCE THAT

GIVES THIS BOARD BACK ITS AUTHORITY. IT IS STILL PENDING.

AND I THINK WE WILL HAVE TO RESPOND ACCORDINGLY.

ACTING CHAIR OKAMURA: ARE THERE OTHER QUESTIONS?

OKAY, IF NOT, THANK YOU CORPORATION COUNSEL AND DIRECTOR FOR

YOUR INFORMATION, YOUR IMPUT ON THIS ISSUE. CAN WE MOVE ON?

BOARD MEMBER HOLMBERG: MR. CHAIR, I NOTICED THERE
WAS ITEM C. HAD WE MOVED ON THAT?

ACTING CHAIR OKAMURA: NOT YET. WE ARE GOING TO
GO TO B NOW.

BOARD MEMBER HOLMBERG: MY APOLOGIES.

ACTING CHAIR OKAMURA: ITEM B UNDER OTHER
BUSINESS, UPDATE ON THE WATER CONSERVATION PLAN ORDINANCE.
YOU KNOW, THE BOARD KNEW THAT THE COUNCIL WAS WORKING ON AN
ORDINANCE TO REQUEST THAT THE BOARD OF WATER SUPPLY DO A
CONSERVATION PLAN FOR THE COUNTY. AND I THINK THE ORDINANCE
AS PASSED, WAS IN THE PACKET. AND I THINK MY THINKING ON IT

WAS THAT THE BOARD NEEDS TO WORK WITH THE DEPARTMENT IN
TRYING TO DEVELOP SOME KIND OF CONSERVATION PLAN FOR THE
COUNTY, OR JUST A SKELETON OR OUTLINE FOR THE CONSERVATION
PLAN, OR WHATEVER THE ORDINANCE SAYS.

SO MY QUESTION WOULD BE MAYBE AT THIS POINT HOW
WOULD THE BOARD LIKE TO BE INVOLVED WITH THE DEPARTMENT?
BECAUSE THE DEPARTMENT FOR SURE WILL NEED TO PROVIDE THE
TECHNICAL SUPPORT AND THE TECHNICAL KNOWLEDGE. BUT MAYBE IF
I COULD ASK ELLEN TO COME UP. I KNOW THIS WOULD PROBABLY
FALL UNDER THE PLANNING DEPARTMENT, WHATEVER THE PLANNING
SECTION'S RESPONSIBILITY IS, SO IF IT'S OKAY WITH MR.

TENGAN .

WOULD YOU GUYS LIKE TO THINK ABOUT IT MORE BEFORE
WE START OR, YOU KNOW, LIKE WE HAVE BEEN ASKED BY THE
COUNCIL TO DO THIS CONSERVATION PLAN. AND MY ASSUMPTION
WOULD BE THAT WE WOULD NEED TO DIRECT THE DEPARTMENT AS TO
HOW POSSIBLY WE'D LIKE IT DONE, BUT THAT'S MY ASSUMPTION.
MAYBE THE DIRECTOR AND ELLEN WOULD HAVE SOME OTHER IDEAS.

DIRECTOR TENGAN: MR. CHAIR, I'D LIKE TO BEGIN BY
JUST ASKING ELLEN A QUESTION, AND THEN MAYBE WE CAN TAKE IT
FROM THERE.

ELLEN, ISN'T THE CONSERVATION PLAN GOING TO BE
INCLUDED AS PART OF THE WATER USE AND DEVELOPMENT PLAN?

MS. KRAFTSOW: MORE OR LESS. WE ACTUALLY HAVE

KIND OF -- IT'S NEVER BEEN PUBLISHED AS A PLAN, BUT AN

OUTLINE, A SKELETAL OUTLINE FOR A PROGRAM THAT WE WANT TO

MOVE TOWARDS THAT WAS DEVELOPED IN THE MID-1990'S THAT WE

HAVE BEEN SLOWLY MOVING TOWARD ALL ALONG. AND ONE OF THE

MEASURES, ONE OF THE KEY MEASURES IS TO BE ABLE TO DO

BENEFIT COST ANALYSIS OF SOME POTENTIAL DEMAND SIDE AND

SUPPLY SIDE CONSERVATION OPTIONS, WHICH IS IN FACT

OCCURRING. THE SCREENING IS ALREADY DONE.

THE NEXT MEETING OF THE WATER ADVISORY COMMITTEES

WOULD BE GOING OVER SOME OF THOSE RECOURSE OPTIONS, THE

INITIAL SCREENING, AND THEN GOING INTO MORE DETAIL IN THE

FUTURE. AND ONE OF THE REASONS WE HAVE TAKEN SO LONG
BETWEEN THE LAST WATER USE AND DEVELOPMENT PLAN MEETING AND
THE NEXT ONE IS SO THAT THE CONSULTANT COULD DEVELOP A MODEL
TO REVIEW AND LOOK AT RELATIVE BENEFIT COSTS OF NOT JUST
SUPPLY OPTIONS, BUT COMBINATIONS OF SUPPLY OPTIONS, AND
THOSE WOULD INCLUDE CONSERVATION MEASURES.

BUT IN ADDITION TO THAT, GIVEN THE BUDGET WE HAVE,
WE HAVE BEEN GRADUALLY EXPANDING ACCORDING TO THAT OUTLINE
THAT WE HAVE HAD, AS I SAY, FOR MORE THAN TEN YEARS. SO I
MEAN SOME OF THE THINGS THAT YOU NEED TO DO TO REALLY
IMPLEMENT FULL-ON CONSERVATION, WE JUST DON'T HAVE THE
BUDGET AND STAFF FOR RIGHT NOW. AS WE GROW, WE MIGHT. BUT

WE HAVE SOMETHING THAT COULD BE WORKED INTO A PLAN, AND THAT
WE EXPECT TO WORK INTO A PLAN WITH THE WATER USE AND
DEVELOPMENT PROCESS.

ACTING CHAIR OKAMURA: YOU SAID THAT YOU DON'T
HAVE THE RESOURCES TO ACTUALLY TO IMPLEMENT A PLAN, IS THAT
WHAT YOU SAID? YOU DON'T HAVE THE RESOURCES FOR, OR ARE YOU
SAYING YOU DON'T HAVE THE RESOURCES TO DEVELOP A PLAN RIGHT
NOW?

MS. KRAFTSOW: LIKE I SAID, WE HAVE A KIND OF A
SKELETAL PLAN, IF YOU WOULD CALL IT THAT. IT DOESN'T MEET
-- ALL THE PLANNERS LIKE TO HAVE BIG FAT PLANNING DOCUMENTS.

IT'S NOT LIKE THAT. IT'S LIKE A TEN PAGE OUTLINE OR A FIVE
PAGE OUTLINE, BUT IT'S GOT ALL THE MEAT, AND THE REST IS
PRETTY MUCH GRAVY. BUT ONE OF THE KEY THINGS, WE DON'T HAVE
ALL THE DATA ALL TOGETHER TO DO THE BENEFIT COST ANALYSIS
THAT'S OCCURRING NOW.

THE FORECAST MODEL OCCURRED THROUGH THIS PROCESS.

THERE ARE A LOT OF THINGS THAT YOU NEED TO DO, ONGOING
IMPLEMENTATION AND EVALUATION, AND SORT OF REDESIGN OF YOUR
CONSERVATION PROGRAM BECAUSE YOU'RE SUPPOSED TO BE
IMPLEMENTING AND DESIGNING IT, WE DIDN'T HAVE TOGETHER, AND
WE'RE IN THE PROCESS OF PUTTING IT TOGETHER THROUGH THE
WATER USE AND DEVELOPMENT PLAN, AS GEORGE POINTED OUT. BUT

WE DON'T HAVE STAFF TO IMPLEMENT FULL-ON CONSERVATION

MEASURES. AND FRANKLY, RIGHT NOW, JUST TRYING TO GET THE

WATER USE AND DEVELOPMENT PLAN DONE AND KEEP UP WITH OUR

DAILY FUNCTIONS, WE ARE SUPPOSED TO HAVE 11 OR 12 PEOPLE,

AND WE HAVE THREE OR FOUR, YOU KNOW. OR FIVE IF YOU COUNT

SOMEBODY WHO IS ALMOST NEVER THERE, WHO IS NOT A

PROFESSIONAL, IT'S THE CLERICAL PERSON IS ALMOST NEVER

THERE.

ACTING CHAIR OKAMURA: YOU'RE SHORT THREE OR FOUR

PEOPLE RIGHT NOW?

MS. KRAFTSOW: WE'RE SHORT FIVE OR SIX PEOPLE.

WE'RE AT HALF STAFF, ACTUALLY A LITTLE LESS THAN HALF STAFF.

SO WE CAN DO SOMETHING, BUT IT'S NOT EVERYTHING WE WANTED TO DO. AND WE HAVE ACTUALLY ALREADY GOT SOMETHING THAT'S BEEN INTERNALLY SERVING AS THE GUIDELINE TO BUILD THESE FUNCTIONS. AND ALSO, YOU KNOW, IT'S INTERESTING BECAUSE PEOPLE SAY, "WELL, YOU SHOULD ADVERTISE." WE ADVERTISE IN I THINK TEN DIFFERENT NEWSPAPERS, EIGHT OR NINE DIFFERENT RADIO STATIONS. WE USED TO ADVERTISE IN THE MOVIE THEATRES TOO.

WE FOUND IT TO BE VERY EXPENSIVE, CONSIDERING THAT THEY DIDN'T EVEN CHANGE THE SLIDES ON THE SCHEDULES THAT THEY SAID THEY WOULD, SO WE JUST LIKE DROPPED THE MOVIE THEATRE THING. BUT THE RADIO STATIONS AND THE NEWSPAPERS WE

HAVE PRETTY MUCH COVERED MOST OF THE PAPERS. EVEN SOME OF
THE NEW AGE HEALTH FOOD STORE KIND OF PAPERS. I MEAN, YOU
KNOW WHAT I MEAN, WE HAVE ADVERTISING. WE DON'T ADVERTISE
IN EVERY ISSUE.

ACTING CHAIR OKAMURA: MY QUESTION, FIRST OF ALL,
WOULD BE WOULD THE DEPARTMENT BE ABLE TO WORK WITH THE BOARD
TO DEVELOP A PLAN TO SUBMIT TO THE COUNCIL BY THE DEADLINE,
AS THEY REQUESTED?

MS. KRAFTSOW: I GUESS IT DEPENDS ON -- AND I'M
ACTUALLY JUST FAMILIARIZING MYSELF WITH WHAT THEY FINALLY
DID. THERE'S A LOT THAT SEEMS TO BE HAPPENING IN A RUSH, I

THINK, BECAUSE OF THE ELECTION OR SOMETHING. BUT I HAVE TO
LOOK AT EXACTLY WHAT KIND OF DETAIL THEY WANT, YOU KNOW. IF
THEY WANT A NICE, GLOSSY, INCH THICK CONSERVATION PLAN,
GIVEN EVERYTHING ELSE WE NEED TO DO, THAT MIGHT BE MORE
DIFFICULT TO COME UP WITH. IF THEY JUST WANT A LITTLE
DOCUMENT THAT INDICATES THE DIRECTION WE'RE MOVING AND HAS
ALL THE KEY MEASURES THAT WE'RE LOOKING AT, AND FALLS WITHIN
THE CONSERVATION PLAN, WE'RE NOT THAT FAR AWAY, BUT IT WOULD
TAKE SOME TIME TO PUT TOGETHER.

ACTING CHAIR OKAMURA: LEE?

BOARD MEMBER ALDRIDGE: WOULD IT BE HELPFUL TO
ESTABLISH A COMMITTEE, A BOARD TO BE INVOLVED ON THIS, SO

THAT IT ISN'T A MATTER THAT JUST COMES BACK TO THE BOARD,

YOU KNOW, ONCE A MONTH AT BEST? I AM NOT SAYING THAT THAT

WOULD NECESSARILY ADD ANY RESOURCES, BUT IT CERTAINLY WOULD

FACILITATE WORKING WITH THE BOARD.

MS. KRAFTSOW: IT DEPENDS ON HOW -- DOES THE

ORDINANCE SAY THAT THE BOARD HAS TO DO IT OR THAT THE STAFF

HAD TO DO IT?

BOARD MEMBER ALDRIDGE: I'M SURE THAT THE STAFF

HAS TO PREPARE IT.

MS. KRAFTSOW: I MEAN IT CERTAINLY COULD HELP TO

LIKE SAY, "HERE IS THE OUTLINE WE HAVE BEEN WORKING WITH,

LET'S RUN IT BY YOU." AND "HERE IS OUR CONSULTANT, BY THE

WAY, THAT YOU SHOULD MEET FOR THE WATER USE AND DEVELOPMENT
PLAN ANYWAY, AND HERE IS WHAT HE'S GOT SO FAR."

BUT HONESTLY, FOR ME, DEVELOPING THAT WHOLE PLAN
IS A LOWER PRIORITY RIGHT NOW THAN JUST GETTING MY NEXT
WATER ADVISORY COMMITTEE MEETING GOING. IT WOULD BE A LOWER
PRIORITY. AND IF I HAVE TO WRITE THE WHOLE PLAN IN A WEEK,
I COULD DO IT IF I HAVE TO. I DON'T WANT TO DO IT THAT WAY.

I GUESS WHAT I'M SAYING IS, YEAH, IT WOULD BE
HELPFUL, BUT MY ONLY CONCERN ABOUT THAT IS I DON'T WANT TO
HAVE A COMMITTEE CALLING ME 15 TIMES A DAY AND ASKING,
"WHERE IS THIS" WHEN I'M TRYING TO GET A BUNCH OF OTHER
STUFF DONE. BUT YES, IT WOULD BE VERY HELPFUL TO HAVE

SOMEBODY TO WORK WITH FROM THAT PERSPECTIVE. I HOPE THAT
WAS RESPECTFULLY PUT.

BOARD MEMBER HOWDEN: TRUTHFUL. THE TRUTH IS
BETTER.

ACTING CHAIR OKAMURA: MR. KUSHI, DID YOU HAVE
SOMETHING?

MR. KUSHI: YES, MR. CHAIR. THIS ORDINANCE PASSED
AND IT WAS EFFECTIVE MAY 5TH, OR WHATEVER, AND IT IS WHAT IT
IS. IT JUST SAYS NO LATER THAN JANUARY 5, 2007 THE BOARD OF
WATER SUPPLY SHALL TRANSMIT. SO, YOU KNOW, IF STAFF IS
SAYING THAT THEY CAN'T DO IT ON BEHALF OF THE BOARD, MAYBE

AT THIS POINT REQUEST A LETTER FROM THE BOARD TO THE CHAIR
TO AMEND THIS ORDINANCE TO GIVE A LATER DATE.

MS. KRAFTSOW: I DON'T KNOW THAT WE'RE SAYING WE
CAN'T.

MR. KUSHI: KNOWING THE CURRENT CHAIR OF THE WATER
RESOURCES COMMITTEE, IF WE DON'T PRODUCE SOMETHING BY MAY 5,
2007, I MEAN I DON'T KNOW WHAT'S GOING TO HAPPEN. SHE'S MAD
AT THE DEPARTMENT ALREADY. I DON'T WANT HER TO BE MAD AT
THE BOARD.

MS. KRAFTSOW: I'M SORRY, MAY 5, 2007 IS QUITE A
WAYS AWAY. I THOUGHT IT WAS SOMETHING THAT WE HAD TO GIVE
THEM BY JUNE, LIKE WITHIN A WEEK OR TWO.

ACTING CHAIR OKAMURA: DOES ANYBODY REMEMBER THE
DATES?

DIRECTOR TENGAN: WE HAVE 180 DAYS TO SUBMIT A
REPORT.

MR. KUSHI: NO, YOU NEED TO SUPPLY A PLAN BY
JANUARY 2007.

ACTING CHAIR OKAMURA: NOT TO IMPLEMENT ANYTHING,
BUT TO SUBMIT A PLAN BY JANUARY.

MR. KUSHI: ASK FOR SIX MORE MONTHS TO SUBMIT THE
PLAN.

MS. KRAFTSOW: WHY DON'T I JUST TALK TO A WATER
USE AND DEVELOPMENT PLAN CONSULTANT AND SEE IF I CAN DO IT

AS A SMALL ADD-ON, LIKE A CONTRACT AMENDMENT. BECAUSE WE
ARE WORKING WITH ALL THE MEASURES ANYWAY, AND BETWEEN MY
OUTLINE AND WHAT HE'S ALREADY EVALUATING. I HAVEN'T HAD A
CHANCE TO DISCUSS IT WITH HIM YET, ABOUT WHAT WOULD BE
ENTAILED, BUT THAT IS SOMETHING THAT WE ENVISIONED AS BEING
PART OF THE WATER USE AND DEVELOPMENT PLAN.

ACTING CHAIR OKAMURA: SO THAT'S ALWAYS AN OPTION,
IS TO ASK THE COUNCIL FOR MORE TIME. BUT WE NEED TO FIGURE
WHAT WE NEED TO DO OR WHAT WE'D LIKE TO DO WITH YOU GUYS
ABOARD. AND I'M SURE EVERYBODY HAS SOME IDEAS WHAT THEY
WOULD LIKE TO SEE IN THE CONSERVATION PLAN.

BOARD MEMBER HOLMBERG: MR. CHAIR, I WONDER IF WE

COULD ASK ELLEN IF YOU ARE AWARE OF WHAT THE OTHER COUNTIES
HAVE DONE THUS FAR.

MS. KRAFTSOW: OTHER COUNTIES AND STATES, YES.

WHEN WE WERE DOING -- BACK IN 1995, THE FIRST TIME -- NOT
THE FIRST TIME, BUT THE FIRST TIME I WAS HERE WHEN THE IAO
DESIGNATION BECAME A SERIOUS POSSIBILITY, I HAD DONE A STUDY
AND AN ANNOTATED BIBLIOGRAPHY OF SOURCE AVAILABILITY
POLICIES THROUGHOUT THE COUNTRY, AND IT ENDED UP BEING LIKE
50 PAGES OF A TINY TYPE ANNOTATED BIBLIOGRAPHY, LIKE THIS
UTILITY SENT THIS INFORMATION. AND A LOT OF WHAT I GOT ALSO
HAD TO DO WITH CONSERVATION PLANS. SO YES, I AM AWARE OF

MANY DIFFERENT CONSERVATION PROGRAMS THROUGHOUT THE COUNTRY.

I PROBABLY COULD UPDATE WITHIN THE LAST FEW YEARS MORE. I

KNOW THE CALIFORNIA MOU IS UPDATED EVERY FEW YEARS AND

STUFF. BUT I'M PRETTY AWARE OF HOW IT'S DONE AND HOW TO DO

IT.

BOARD MEMBER HOLMBERG: WHAT I WAS LEADING UP

TOWARD WAS THE IDEA, SINCE I PRESUME THAT WE WOULDN'T BE

COMING UP WITH THIS FROM SCRATCH, MY ASSUMPTION IS WHEN

DEVELOPING PLANS LIKE THIS THAT WE IN ESSENCE TAKE, SINCE WE

ARE A SMALL ORGANIZATION, IS TAILOR SOMEBODY ELSE'S PLANS IF

THEY WERE AT ALL APPLICABLE. THAT'S WHY I WAS CURIOUS ABOUT

THE OTHER COUNTIES.

MS. KRAFTSOW: WE ARE FAMILIAR WITH NOT ONLY THE
OTHER COUNTIES, BUT OTHER MUNICIPALITIES THROUGHOUT THE
COUNTRY. IN ADDITION I SHOULD SAY THAT THE MAJOR CONSULTANT
WE HAVE RIGHT NOW FOR THE WATER USE AND DEVELOPMENT PLAN IS
AN ECONOMIST, AND IS A VERY BRIGHT GUY. HE'S ONE OF THE
PEOPLE THAT DEVELOPED INTEGRATED RESOURCE PLANNING FOR THE
ENERGY UTILITY INDUSTRY, AND IS DOING INTEGRATED RESOURCE
PLANNING FOR US, WHICH IS CONSERVATION-BASED PLANNING IN
THAT SUPPLY AND DEMAND SIDE CONSERVATION MEASURES ARE GIVEN
EQUAL STATURE IN CONSIDERATION FOR HOW YOU ARE GOING TO GAIN
SUPPLY. AND THAT INCLUDES EVERYTHING FROM ADVERTISING TO
REPLACING FIXTURES AND WASHERS, TO REGULATIONS REGARDING THE

FLOW ON DIFFERENT FIXTURES, TO LEAK DETECTION, TO THE WHOLE
GAMUT OF THINGS TO AUDITS. AND WE HAVE PRELIMINARY EVEN
INSTRUCTIONS AND BOOKLETS AND MANUALS IN A PILOT LEAK
DETECTION STUDY THAT WE HAVE BEEN TRYING TO GET MONEY FOR
FOR YEARS. THAT WE HAVE MONEY FOR NOW, AND WE ACTUALLY HAVE
A DRAFT CONTRACT UPSTAIRS.

THE COUNCIL SO FAR HAS NEVER -- THEY SURPRISE US
BY REQUIRING THINGS THAT WE'VE TOLD THEM WE'D LIKE TO DO,
BUT THEY'VE NEVER COME UP WITH ANYTHING THAT SEEMS TO ME
ORIGINAL OR THAT ISN'T ALREADY KIND OF IN THE WORKS. SO
IT'S JUST A MATTER OF HOW GLOSSY AND FANCY THEY WANT IT.

ACTING CHAIR OKAMURA: ELLEN, IF YOU WERE TO WORK

WITH A COMMITTEE ON THE BOARD, WOULD LIKE THE JANUARY 5TH

DEADLINE BE TOO SOON? WOULD YOU THINK YOU'D NEED MORE TIME?

MS. KRAFTSOW: THAT'S WHY I'M SAYING IF I COULD

HAVE A WEEK OR TWO TO DISCUSS IT WITH THE CONSULTANT AND

LOOK AT WHAT I HAVE. MAYBE GO OVER ONE PERSON WHO IS

APPOINTED BY THE BOARD WHO IS FAMILIAR WITH CONSERVATION

MEASURES, WHO WOULD KNOW ENOUGH TO WORK WITH ME AND REPORT

BACK IN A WEEK OR TWO, I WOULD RATHER DO THAT THAN ANSWER

THIS QUESTION RIGHT NOW. I'M SORRY, I JUST BASICALLY CAME

HERE TODAY TO HEAR WHAT YOU GUYS WERE GOING TO SAY ABOUT

THIS. I DIDN'T KNOW THAT YOU WERE GOING TO ASK ME ANY

QUESTIONS.

ACTING CHAIR OKAMURA: ANY OTHER INPUT FROM THE
BOARD?

BOARD MEMBER ALDRIDGE: I WOULD BE PLEASED TO
SERVE ON THAT COMMITTEE, IF THE BOARD MEMBERS WOULD BE LIKE
THAT. FOR YOUR INFORMATION, I WORKED FOR A WATER DISTRICT
FOR TEN YEARS, AND I AM A CONSULTING ENGINEER AS WELL, AND I
HAVE DEVELOPED WATER CONSERVATION PLANS FOR NORTHERN
CALIFORNIA AS FAR BACK AS 1978.

ACTING CHAIR OKAMURA: THAT SOUNDS GOOD. SO ARE
YOU SAYING THAT YOU WOULD LIKE TO START UP SOMETHING BEFORE
THE NEXT MEETING, OR SHOULD WE JUST WAIT FOR THE NEXT

MEETING FOR ELLEN TO COME BACK AND SEE WHAT SHE HAS AND
DECIDE WHAT TO DO AT THAT TIME, WHICH MIGHT INCLUDE ASKING
FOR MORE TIME?

MS. KRAFTSOW: I CAN REPORT BACK BEFORE THEN OR TO
WHOEVER YOU APPOINT.

ACTING CHAIR OKAMURA: I DON'T KNOW IF I CAN
APPOINT A CHAIRMAN, SINCE I AM NOT THE CHAIR OF OUR
COMMITTEE, BUT I CAN RECOMMEND TO MIKE THAT MAYBE THE BOARD
WANTED TO FORM A COMMITTEE TO ADDRESS THIS ISSUE OF THE
CONSERVATION PLAN, AND MAYBE HAVE ANYBODY WHO IS INTERESTED
IN SERVING ON THE COMMITTEE TO SERVE.

BOARD MEMBER HOWDEN: I THINK LEE IS VERY WELL

QUALIFIED. I ALSO WOULD HAVE AN INTEREST IN THAT. BUT
WITHOUT MAKING IT CUMBERSOME FOR YOU BEYOND WHICH IT ALREADY
IS. BUT IF WE COULD GET ACCESS JUST TO YOUR SKELETAL
OUTLINE, THAT WOULD BE A GOOD START.

MS. KRAFTSOW: REMEMBER THAT IT IS WRITTEN FOR MY
OWN INTERNAL BRAIN SHORTHAND, BUT I'D BE HAPPY TO GO OVER
THAT WITH SOMEBODY IF YOU THOUGHT THAT WOULD BE USEFUL.

ACTING CHAIR OKAMURA: IF YOU WOULD LIKE TO START
ON THAT.

BOARD MEMBER ALDRIDGE: I THINK IT WOULD BE
HELPFUL FOR ALL CONCERNED TO SEE WHERE WE'RE AT SO WE CAN
SEE WHETHER OR NOT A REQUEST WOULD NEED TO BE MADE FOR AN

EXTENSION.

ACTING CHAIR OKAMURA: SO WHO WOULD BE INTERESTED
IN -- DID YOU HAVE SOMETHING TO SAY? SO MAYBE THOSE THAT
ARE INTERESTED IN MAYBE SITTING ON THIS CONSERVATION PLAN
COMMITTEE COULD SET UP A MEETING WITH ELLEN, AND THEN COME
BACK TO THE NEXT BOARD MEETING MAYBE WITH SOME IDEAS OF
MAYBE WHAT WE SHOULD DO, RECOMMENDATIONS. AND I WILL TELL
MIKE THAT LEE AND MICHAEL ARE INTERESTED IN SERVING ON THIS
COMMITTEE, AND ANYBODY ELSE CAN ALSO VOLUNTEER FOR IT TOO.
WOULD THAT BE ENOUGH PEOPLE, TWO PEOPLE TO START?

BOARD MEMBER HOWDEN: TWO IS PLENTY, YOU KNOW, I

WOULD THINK.

ACTING CHAIR OKAMURA: BETTER TO HAVE TWO. SO

THAT SOUNDS GOOD TO ME. WOULD THAT BE ALL RIGHT, THEN? SO

WHO WOULD BE CONTACTING WHO THEN? ELLEN, ARE YOU GOING TO

GET AHOLD OF THEM?

MS. KRAFTSOW: THAT'S UP TO THE DIRECTOR, LIKE IF

HE WANTS ME TO BE IN DIRECT -- IF THERE'S SOME ISSUE WITH US

BEING IN DIRECT CONTACT WITH THE BOARD IN THIS CASE, IS IT

OKAY. I WOULD DEFER TO GEORGE ON THAT.

ACTING CHAIR OKAMURA: OKAY, WHAT I CAN DO THEN IS

MAYBE I'LL FILL IN MIKE ON THIS SITUATION AND TELL HIM THAT

THERE WAS PEOPLE WILLING TO SERVE ON THE COMMITTEE. THAT IF

HE WOULD BE WILLING TO -- WHATEVER HE WANTS TO DO, WHETHER
APPOINT THEM NOW AND HAVE THEM GET STARTED, OR WAIT UNTIL
THE NEXT MEETING. I'LL TOSS IT BACK TO MIKE VICTORINO'S
LAP. AND IF HE WANTS TO, I'LL SUGGEST THAT THE BOARD AND
THE DEPARTMENT FEELS WE SHOULD START ON IT AS SOON AS
POSSIBLE.

MR. KUSHI: MR. CHAIR, IF I CAN RECOMMEND FOR THE
NEXT MEETING PUT ON AN AGENDA ITEM APPOINTMENT OF
SUBCOMMITTEE OR WHATEVER, SO IT'S DULY NOTICED.

ACTING CHAIR OKAMURA: AND OFFICIALLY DONE. OKAY,
THANK YOU. ANY OTHER DISCUSSION ON THIS? OKAY, SO CAN WE
MOVE ON. OKAY, THANK YOU EVERYBODY. THANKS, ELLEN.

ITEM C UNDER OTHER BUSINESS, DISCUSSION OF THE

DEPARTMENT OF WATER SUPPLY MARCH 8TH LETTER TO THE WAILUKU

WATER COMPANY. THIS IS PAGES 167 TO 169.

MR. TENGAN, ARE YOU GOING TO -- WOULD YOU BE ABLE

TO START THE DISCUSSION ON THIS TOPIC? PAGE 167.

DIRECTOR TENGAN: I DON'T KNOW WHAT THE CONCERNS

OF THE BOARD ARE, BUT THIS LETTER WAS WRITTEN TO AVERY

CHUMBLEY REGARDING THE UNILATERAL INCREASE IN THE RATE THAT

WE PAY FOR WATER OUT OF THE IAO TUNNEL. I THINK THAT IS

SOMEWHAT SELF-EXPLANATORY. SO IF THE BOARD WANTS TO DISCUSS

ANY POINT OR HAS ANY QUESTIONS ON ANY POINT HERE, THEN I'M

HERE TO ANSWER ANY QUESTIONS THAT I CAN.

ACTING CHAIR OKAMURA: I GUESS AT THE LAST MEETING
THEY WERE SAYING THEY WANTED TO CHARGE 60 CENTS PER THOUSAND
GALLONS, AND THE DEPARTMENT FELT THAT WAS KIND OF HIGH. HAS
THERE BEEN ANYTHING FURTHER ON THIS OR IS IT STILL IN
NEGOTIATION?

DIRECTOR TENGAN: NO, THERE IS NO NEGOTIATION.

ACTING CHAIR OKAMURA: YOU GAVE HIM A COUNTEROFFER
ON THE PRICE, OR HOW IS THIS GOING TO BE SETTLED?

DIRECTOR TENGAN: I'M NOT SURE THAT IT'S GOING TO
BE SETTLED, YOU KNOW. HE HOLDS THE CARDS.

BOARD MEMBER HOWDEN: I THINK, ON THE OTHER HAND,

ACTUALLY THE COUNTY HOLDS THE CARDS. I COMMEND YOU ON YOUR LETTER, I FIND YOUR LETTER VERY WELL FOCUSED, AND IT BRINGS UP THE ISSUES THAT MR. CHUMBLEY NEEDS TO CONSIDER BEFORE HE TRIES TO EXTORT MORE MONEY FROM THE COUNTY. BUT CERTAINLY HIS MOVE ON BEHALF OF WAILUKU WATER COMPANY DOES RAISE THESE ISSUES THAT YOU BROUGHT UP IN THIS LETTER, AND I REALLY COMMEND YOU FOR THIS LETTER.

DIRECTOR TENGAN: THANK YOU.

BOARD MEMBER HOWDEN: THAT'S ALL I HAVE TO SAY.

ACTING CHAIR OKAMURA: THANK YOU. ANY OTHER

QUESTIONS ON THIS ISSUE? I GUESS WOULD YOU KEEP US ABREAST

IF THERE'S ANY BREAK-THROUGH ON THIS MATTER?

DIRECTOR TENGAN: I WILL.

ACTING CHAIR OKAMURA: OKAY, THANKS. OKAY, CAN WE
MOVE ON? NUMBER 10, OTHER BUSINESS, VERBAL UPDATE ON THE
STATUS OF POOKELA WELL. I KNOW MR. NAKAMURA ALREADY
MENTIONED SOMETHING ABOUT IT, BUT WOULD YOU BE ABLE TO
ADDRESS THIS ISSUE FOR US?

MR. NAKAMURA: YES, MR. CHAIR, JUST AGAIN AN
UPDATE. FOR EVERYONE'S INFORMATION, THE PUMP AND MOTOR HAS
BEEN INSTALLED INTO THE WELL IN ALL 800-PLUS FEET OF IT, AND
THEY'RE CURRENTLY IN THE PROCESS OF ELECTRICALLY WIRING
THINGS UP AND INSTALLING THE PIPING THAT WOULD TIE THE PUMPS
TO OUR SYSTEM.

I JUST SAW A MEMO WHEN I WENT BACK TO MY OFFICE
THIS MORNING. THEY'RE LOOKING AT STARTING THE CALIBRATION
OF ALL THE VARIOUS COMPONENTS ON OR AROUND JUNE 19TH, WHICH
MEANS THAT IF THEY ARE CAPABLE OF DOING CALIBRATION, THAT
MEANS THAT BY AROUND THE MIDDLE OF NEXT MONTH THEY WOULD BE
ABLE TO AT LEAST START THE PUMP AND MOTOR AND START DOING
THE CALIBRATION. THAT'S, AGAIN, ASSUMING THAT EVERYTHING
GOES WELL. FOR THOSE OF YOU THAT KNOW CONSTRUCTION, THINGS
SOMETIMES POP UP UNEXPECTEDLY THAT COULD CAUSE DELAYS. BUT
AT THIS TIME THAT'S THE BEST AVAILABLE INFORMATION THAT I
HAVE.

ALSO, TO BE AWARE, ONCE THEY START THE PUMP AND

MOTOR, THEY OF COURSE ARE GOING TO HAVE TO TAKE SOME WATER
SAMPLES. THESE WATER SAMPLES WILL HAVE TO BE SENT AWAY FOR
TESTING AND ALL THAT. SUBSEQUENT TO THAT, WE WILL HAVE TO
GET THE DEPARTMENT OF HEALTH APPROVAL BASED UPON THE RESULTS
OF THE SAMPLING. SAMPLE TESTING PROBABLY TAKES ABOUT A
COUPLE OF WEEKS TO GET RESULTS. THE DEPARTMENT OF HEALTH
PROBABLY WILL TAKE TWO TO THREE MONTHS TO GIVE HOPEFULLY
FINAL APPROVAL FOR US TO START USING THE WELL.

AND CALIBRATION, IF THEY START IN THE MIDDLE OF
JUNE, SHOULD BE COMPLETED BY THE MIDDLE OF JULY, MID OR
LATTER PART OF JULY. SO AT THE VERY EARLIEST, IN TERMS OF

HAVING THE WELL AVAILABLE TO BE ABLE TO PROVIDE WATER INTO
THE SYSTEM, WE ARE PROBABLY LOOKING SOMETIME IN AUGUST
CONSERVATIVELY. BUT THAT'S KIND OF WHERE THINGS STAND RIGHT
NOW. IT'S MOVING FORWARD. WE'RE ALMOST THERE.

ACTING CHAIR OKAMURA: GOOD, THANK YOU.

DIRECTOR TENGAN: WHAT'S THE CONTRACT COMPLETION
DATE?

MR. NAKAMURA: YOU KNOW, I DON'T REMEMBER RIGHT
OFFHAND WHEN THE COMPLETION DATE IS.

DIRECTOR TENGAN: MR. CHAIR, FOR THE BOARD'S
INFORMATION, GETTING THE PI' IHOLO WELL -- NOT PI' IHOLO,
POOKELA WELL ON LINE IS SOMEWHAT CRITICAL TO OUR OPERATIONS

IN THAT WE ARE PLANNING TO UPGRADE THE WATER TREATMENT PLANT
AT OLINDA, WHICH WOULD REQUIRE A SHUTDOWN OF THE PLANT FOR
ABOUT AT LEAST A MONTH. AND SO WE ARE GOING TO BE NEEDING
THE SUPPLEMENTAL SOURCE TO SHUT DOWN THE OLINDA PLANT. AND
AS YOU KNOW, DURING THE SUMMER THAT'S WHEN THE RESERVOIRS
START GOING DOWN. SO GETTING THIS WELL ON LINE IS VERY
IMPORTANT TO OUR OPERATION.

BOARD MEMBER ALDRIDGE: IS IT POSSIBLE TO GET THE
DEPARTMENT OF HEALTH SERVICES TO GIVE YOU A /PRAOFL PENDING
RESULTS, TENTATIVE APPROVAL PENDING RESULTS, ACCEPTABLE
BACTERIOLOGICAL AND CHEMICAL TESTING?

MR. NAKAMURA: I AM NOT AWARE OF ANY SITUATION,

MAYBE GEORGE MIGHT BE, BUT I AM NOT AWARE OF ANY SITUATION
WHERE THEY HAVE DONE THAT. USUALLY THEY GO THROUGH THE
NORMAL PROCEDURES, AND WE HAVE GOT TO WAIT FOR A NUMBER OF
MONTHS BEFORE WE GET A RESULT.

BOARD MEMBER ALDRIDGE: I KNOW IN THE STATE OF
CALIFORNIA THE DEPARTMENT OF HEALTH SERVICES IS OFTEN GIVEN
APPROVAL PENDING SATISFACTORY RESULT OF THE WATER QUALITY
TESTS, IN SITUATIONS WHERE THE SUPPLY IS ABSOLUTELY NEEDED.
IT'S JUST A THOUGHT. NO HARM IN ASKING.

DIRECTOR TENGAN: NO HARM IN ASKING, BUT I DON'T
SEE THEM APPROVING THAT.

ACTING CHAIR OKAMURA: I WANTED TO ASK A QUESTION

ALSO. THE OLINDA PLANT, YOU ARE GOING TO BE ADDING CAPACITY
TO IT, IS THAT WHAT YOU NEED?

DIRECTOR TENGAN: YES. YOU SEE, CURRENTLY WE ARE
PUMPING ANYWHERE FROM 500,000 TO ABOUT THREE QUARTER MILLION
GALLONS A DAY FROM THE LOWER SYSTEM UP TO THE UPPER SYSTEM.
SO WITH THAT INCREASED CAPACITY WE COULD SERVE THE UPPER
SYSTEM WITH THE OLINDA PLANT, AND REDUCE OUR PUMPING COST ON
THE LOWER SYSTEM UP TO THE UPPER. SO IT'S A COST SAVING
MEASURE THAT WE'RE TAKING.

ACTING CHAIR OKAMURA: BUT YOU HAVE EVERYTHING IN
PLACE WAITING TO GO, BUT JUST WAITING FOR POOKELA WELL TO

COME ON LINE?

DIRECTOR TENGAN: NO, WE DON'T HAVE EVERYTHING IN PLACE TO GO. WE NEED TO UPGRADE THE PLANT. THAT WAS BEING PLANNED SEPARATELY FROM PO'OKELA COMING ON LINE. BUT BECAUSE WE ARE ENTERING THE SUMMER MONTHS NOW, YOU KNOW, IT MIGHT BE CRITICAL TO GET THAT WELL ON LINE.

ACTING CHAIR OKAMURA: I SEE, THANK YOU. THANK YOU, MR. NAKAMURA, MR. TENGAN. OKAY, ARE THERE ANY OTHER QUESTIONS? I'M SORRY I DIDN'T ASK YOU EARLIER. CAN WE MOVE ON THEN?

ITEM E ON OTHER BUSINESS, REPORT FROM THE BOARD CHAIR ON THE AWWA CONFERENCE IN HONOLULU. HE PROMISED THAT

HE WOULD GIVE A FULL REPORT AT THE NEXT MEETING, SO WE WILL
DEFER THAT.

ITEM F, RECEIPT OF BOARD MEMBER REQUESTS FOR
AGENDA ITEMS TO BE PLACED ON FUTURE AGENDAS. I CAN MAKE A
LIST AND GIVE IT TO MIKE, IF YOU HAVE ANY, OR ANY ITEMS THAT
YOU WOULD WANT TO HAVE ON THE NEXT AGENDA OR A SUBSEQUENT
AGENDA, OR YOU COULD EMAIL MIKE WITH THESE ITEMS. AND ONE
WOULD BE DISCUSSION ON THE APPOINTMENT OF A SUBCOMMITTEE FOR
THE WATER CONSERVATION PLAN FOR THE COUNCIL. SO I WILL
SUBMIT THAT TO REQUEST IF HE COULD PUT THAT ON THE NEXT
AGENDA.

SO ARE THERE ANY OTHER ITEMS AT THIS POINT IN TIME

THAT YOU WOULD LIKE ME TO BRING UP WITH MIKE FOR FUTURE

MEETINGS? OKAY, IF NOT, WE CAN MOVE ON.

DIVISION REPORTS. THEY ARE PROVIDED IN YOUR

PACKET. ARE THERE ANY QUESTIONS REGARDING THIS REPORT?

BOARD MEMBER ALDRIDGE: I HAD A COMMENT. THERE

WAS A TYPO ON, LET'S SEE, PAGE 8, THE SUMMARY FOR THE WATER

TREATMENT FACILITY PRODUCTION. THE LAHAINA MONTHLY

PRODUCTION WAS SHOWN AS 4112 THOUSANDS OF GALLONS. THAT'S

INCORRECT. IT SHOULD BE 49112, BASED ON PAGE 9, WHICH IS

THE FULL REPORT. AND THE CHANGE IS IN 91.55 PERCENT, BUT

ACTUALLY IT'S .97 PERCENT DIFFERENCE. THE DAILY AVERAGE IS

CORRECT, SO WHAT'S INCORRECT IS THE MONTHLY PRODUCTION.

ACTING CHAIR OKAMURA: AMAZING THAT YOU CAUGHT

THAT.

BOARD MEMBER ALDRIDGE: I LOOK AT THESE THINGS.

DIRECTOR TENGAN: I WILL KEEP THAT IN MIND.

ACTING CHAIR OKAMURA: I TRY TO READ THESE BECAUSE

I FIGURE THEY GO TO THE TROUBLE OF PUTTING THESE TOGETHER.

BOARD MEMBER ALDRIDGE: WHAT CAUGHT MY EYE WAS THE

HUGE DIFFERENCE, SO I THOUGHT THAT LOOKED FUNNY AND I

CHECKED IT MORE CAREFULLY.

ACTING CHAIR OKAMURA: ON PAGE 10 IT SAYS, THE

LAST COLUMN SAYS, "COST WITH IAO'S DELIVERY CHARGES" BUT

THIS IS FOR EAST WATER DISTRICT. WHAT DOES THAT MEAN, COST WITH IAO'S DELIVERY CHARGES, WHY IS THAT ASKED AT THE END, DOES ANYBODY KNOW? I JUST WANTED CLARIFICATION. IT'S NOT CRITICAL.

DIRECTOR TENGAN: WE WILL GET TO THE DIVISION HEAD AND ASK HIM TO EXPLAIN THAT.

ACTING CHAIR OKAMURA: OH, OKAY. AND THEN ON PAGE 11, THE SECOND CHART, MARCH, THE COST PER THOUSAND FOR THAT, IS THAT A TYPO, IS THAT 14 PER THOUSAND, IT JUMPED UP? I DIDN'T TRY TO LOOK AT THE OTHER FIGURES TO TRY TO FIGURE IT OUT, BUT IS THAT A TYPO THERE?

MR. TENGAN: IT MAY NOT BE BECAUSE OF THE LOW

MONTHLY PRODUCTION. THERE'S SOME FIXED COSTS IN THERE,
ESPECIALLY THE DEPRECIATION.

ACTING CHAIR OKAMURA: SO WHEN IT RAINS A LOT YOU
SELL LESS WATER?

DIRECTOR TENGAN: IT'S FIXED COSTS.

ACTING CHAIR OKAMURA: THANK YOU. AND THEN I HAVE
SOME QUESTIONS ABOUT THE FINANCIAL STATEMENT. I FORGOT THE
QUESTIONS ALREADY. OKAY, HELENE, CAN WE ASK SOME QUESTIONS
ABOUT THE FINANCIAL REPORT, THIRD QUARTER FINANCIAL
STATEMENT? IS THAT WHERE YOU ARE, THIRD QUARTER FINANCIAL
STATEMENT?

MS. KAU: YES.

ACTING CHAIR OKAMURA: ON PAGE 24, OTHER INCOME.

YOU MIGHT BE ABLE TO ANSWER THIS WITHOUT LOOKING AT IT.

WHAT IS OTHER INCOME FROM, WOULD YOU KNOW OFFHAND?

MS. KAU: YOU KNOW, I DON'T KNOW OFFHAND. I KNOW

THERE HAVE BEEN A COUPLE OF EXTRAORDINARY TRANSACTIONS

LATELY, AND I DON'T RECALL THE EXACT NATURE OF THEM, BUT WE

CAN CERTAINLY GET BACK TO YOU. GEORGE ACTUALLY MAY KNOW.

DIRECTOR TENGAN: YOU ARE THROWING THE BALL TO ME

(LAUGHTER). THERE SEEMS TO BE AN EXTRAORDINARY ITEM IN HERE

BECAUSE OF THAT \$952,000 SITTING IN THE CURRENT YEAR-TO-DATE

FIGURE.

ACTING CHAIR OKAMURA: THAT'S INTERESTING. AND

WHAT DOES THIS CAPITAL CONTRIBUTIONS MEAN, IS THAT WHAT YOU

PAY FOR CAPITAL IMPROVEMENTS IN YOUR FUND, OR WHAT IS THAT?

CAPITAL CONTRIBUTIONS, PAGE 24.

MS. KAU: IS THAT THE CONTRIBUTION IN AID, GEORGE?

DIRECTOR TENGAN: I WOULD THINK SO.

MS. KAU: SO FOR EXAMPLE, IF YOU WERE GOING TO

BUILD A SMALL SUBDIVISION AND YOU INCUR ON YOUR PART AS THE

DEVELOPER, OR WHATEVER, YOU INCUR COSTS FOR THE WATER

INFRASTRUCTURE. WHEN THAT SUBDIVISION IS COMPLETE THAT

BECOMES WATER DEPARTMENT PROPERTY, AND SO WE RECORD THAT

ASSET.

ACTING CHAIR OKAMURA: I SEE, OKAY.

DIRECTOR TENGAN: IF YOU PUT IN A PIPELINE OR AN
OUTSIDE IMPROVEMENT.

MS. KAU: EXCUSE ME, MR. OKAMURA. GETTING BACK TO
THE OTHER INCOME. IF I RECALL CORRECTLY, I THINK THAT MAY
BE PART OF THE DBCP, GEORGE, SETTLEMENT PAYMENTS.

ACTING CHAIR OKAMURA: YOU HAD A SECTION ON THAT
DBCP PAYMENTS. RIGHT ABOVE THAT IT SAYS IT'S ZEROED OUT.
OH, THAT'S INTEREST ON THE DBCP SETTLEMENT.

MS. KAU: I BELIEVE THAT MAY HAVE BEEN PAYMENTS.

ACTING CHAIR OKAMURA: THANK YOU. OH, ONE MORE
THING, SORRY, PAGE 28, ADMINISTRATIVE EXPENSES. LIKE WHAT

DOES THAT INCLUDE, ADMINISTRATIVE EXPENSES?

MS. KAU: YOU MEAN WITH RESPECT TO A PARTICULAR
LINE ITEM UNDER THERE?

ACTING CHAIR OKAMURA: ADMINISTRATIVE EXPENSES,
\$20,000 FOR THE MONTH. WHAT WOULD THAT INCLUDE, LIKE NOT
TELEPHONE BILL, COMPUTER, BUT WHAT IS THAT?

MS. KAU: PAGE 28.

BOARD MEMBER LESTER: THE VERY LAST.

DIRECTOR TENGAN: I JUST WANT TO CLARIFY FOR THE
BOARD THAT THAT'S NOT ALL THE DIRECTOR'S OFFICE MONEY.

ACTING CHAIR OKAMURA: I WAS JUST TRYING TO THINK,
WHAT IS THAT \$20,000?

MS. KAU: THAT MAY HAVE BEEN TRAVEL TYPE EXPENSES,
TRAINING KINDS OF THINGS, AND THEY'RE ALL IN AND OF
THEMSELVES AS SEPARATE LINE ITEMS. THEY'RE RELATIVELY SMALL
AMOUNTS, AND THEN WHEN WE COMBINE THEM TO REPORT THEM HERE
IT BECOMES A MORE SIZEABLE AMOUNT.

MR. TENGAN: A LOT OF IT MAY ALSO BE THAT, YOU
KNOW, EACH DIVISION HAS SOME ADMINISTRATIVE TIME THEY MIGHT
CHARGE, SO THAT ADMINISTRATIVE TIME MIGHT BE INCLUDED IN
THERE, OR EXPENDITURES. SO I WOULD SAY IT'S A COMBINATION
OF EXPENDITURES OR EXPENSES THROUGHOUT THE DEPARTMENT, AND
NOT ONLY THROUGH THE DIRECTOR'S OFFICE.

ACTING CHAIR OKAMURA: I SEE. OKAY, THANK YOU.

DIRECTOR TENGAN: I WISH I COULD SPEND THAT MUCH
FOR THE DIRECTOR'S OFFICE.

ACTING CHAIR OKAMURA: YOU NEED THAT MUCH. OKAY.

GO AHEAD, LEE.

BOARD MEMBER ALDRIDGE: WHAT ARE BOARD EXPENSES?

MS. KAU: BOARD EXPENSES ARE LIKE, FOR EXAMPLE,
WHEN BOARD MEMBERS TRAVEL FOR TRAINING PURPOSES AND WHATNOT.
STENOGRAPHER COSTS. WE CAPTURE ALL OF THOSE IN BOARD
EXPENSES.

BOARD MEMBER ALDRIDGE: BECAUSE I KNEW I WAS
VOLUNTEERING. I WAS JUST WONDERING.

MS. KAU: STILL VOLUNTEERING.

ACTING CHAIR OKAMURA: ANY OTHER QUESTIONS? OKAY,

THANK YOU HELENE AND GEORGE. INTERESTING, YOU KNOW, I GOT

MY QUESTIONS ANSWERED. I KNOW EVERYTHING IS GOING WELL. I

WANTED JUST TO FIND OUT WHAT THOSE THINGS WERE.

OKAY, SO WE HAVE FINISHED WITH THE DIVISION

REPORTS. AND THE NEXT ITEM IS ADJOURNMENT. BUT MICHAEL

WANTED ME TO REMIND YOU GUYS THAT THE NEXT BOARD MEETING

WILL BE ON JUNE 22ND, BUT THERE'S A NEW LOCATION, WHICH IS

THE DEPARTMENT OF PLANNING CONFERENCE ROOM, WHICH IS THE

SMALL BUILDING TO THE RIGHT OF THE COUNTY BUILDING RIGHT

DOWN HERE. SO IT'S ON THIS YELLOW SHEET. AND SOME OF THE

DATES HAVE BEEN CHANGED, I GUESS, BECAUSE OF THE SCHEDULING
FOR THE PLANNING COMMISSION FOR THE CONFERENCE ROOM. SO
PLEASE NOTE SOME DATE CHANGES.

ARE THERE ANY QUESTIONS OR OTHER THINGS? IF NOT,
THANK YOU VERY MUCH EVERYBODY FOR BEING HERE TODAY AND FOR
YOUR INPUT. THANK YOU. THE MEETING IS ADJOURNED.

(THE PROCEEDINGS WERE CONCLUDED AT 11:30 A.M.)

"By Water All Things Find Life"

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