

County of Maui Water
Supply

BOARD OF WATER SUPPLY

COUNTY OF MAUI

REGULAR BOARD MEETING

MONDAY, JUNE 26, 2006

BOARD OF WATER SUPPLY

COUNTY OF MAUI, STATE OF HAWAII

REGULAR MEETING

Monday, June 26, 2006

8:00 a.m.

Planning Department Conference Room

First Floor, Kalana Pakui Building, 250 South High Street,

Wailuku, Maui, Hawaii,

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

APPEARANCES

Chairperson: MICHAEL VICTORINO

Vice Chairperson: KENNETH OKAMURA

Board Members: LEE ALDRIDGE

MICHAEL S. HOWDEN

CARL MARTIN HOLMBERG

KUILAUOKALANI F. LESTER

Excused: GINNY PARSONS

Director:

GEORGE TENGAN

Board Secretary:

GAYE HAYASHIDA

MICHELE SAKUMA

Engineering:

ALVA NAKAMURA

Staff:

ELLEN KRAFTSOW

HOLLY PERDIDO

(Monday, June 26, 2006, 8:00 a.m.)

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(Transcribed from Board of Water Supply tape.)

CHAIRPERSON VICTORINO: Good morning. This is our June 26, 2006, regular Board of Water Supply Meeting. In attendance, Lee Aldridge, member, Carl Holmberg, member, Michael Howden, Vice-Chair Kenneth Okamura, and myself, Chair Mike Victorino.

Announcements, before we get started, does any Board member have any announcements? And let's hold up on the convention, because we do have a portion to cover that later on. So, we'll hold up on that. But any other announcements?

Okay. Outside of welcoming our new Board Secretary, the only other thing I have to announce is that I

hope all the members, and that I was told by the Mayor's Office that we do have one more new member that's joining us next month, and they are actively looking for a replacement for Ralph.

So, hopefully, before too long, we will have a full membership. Having seven is very difficult, especially if one of you cannot come. It really makes it thin on the minimum numbers as far as quorum is concerned, yeah?

Okay. Moving along, approval of the minutes from the May 25th, 2006, regular minutes that were provided. Any corrections, additions? Yes, Lee.

BOARD MEMBER ALDRIDGE: I had a couple of
corrections.

CHAIRMAN VICTORINO: Okay. Real slowly now,
because Gaye is first time, so she -- you know, because all of
a sudden, she's got all these things at her.

BOARD MEMBER ALDRIDGE: Well, it will be good that
she doesn't have to be taking this verbatim.

CHAIRMAN VICTORINO: Yeah, right.

BOARD MEMBER ALDRIDGE: I am sorry. I will find
them. The first correction is on sheet 19, which is page 73,
line five.

CHAIRMAN VICTORINO: You got to speak up a little.

BOARD MEMBER ALDRIDGE: Oh, okay.

CHAIRMAN VICTORINO: Yeah, because I think she's
having -- I have a hard time hearing you.

BOARD MEMBER ALDRIDGE: It's --

CHAIRMAN VICTORINO: There you go.

BOARD MEMBER ALDRIDGE: -- sheet 19 of 33, page
73, line five. There is a -- on that line, there is an extra
letter or an extra word "be" and that shoul be struck,
stricken, struck from --

CHAIRMAN VICTORINO: Struck from the --

BOARD MEMBER ALDRIDGE: Removed. Do you have

that? And then I have a correction on page 79, which is the following sheet, page 79. It begins on line 11. I must have said something that she didn't understand, because I don't understand what it is myself here. But I will give you what I intended to say.

The sentence should read "Is it possible to get the Department of Health Services to give you provisional approval pending results or tentative approval pending acceptable bacteriological and chemical testing?"

So, that's what I said. There's something in

there that I can't understand. She probably didn't understand what I was saying.

Do you have that? Okay. And then finally, on the same page, line 21, California -- "the Department of Health Services has often given," not "is often", "has often given approval." That's it.

CHAIRMAN VICTORINO: Thank you, Lee. Anybody -- any other Board Member have any corrections or changes? Sensing none, do I have a motion to approve the minutes as corrected and amended?

VICE-CHAIRPERSON OKAMURA: I will move.

CHAIRMAN VICTORINO: So moved.

BOARD MEMBER ALDRIDGE: Second.

CHAIRMAN VICTORINO: It's been moved and seconded.

All those in favor say aye.

(Chorus of ayes.)

Opposed.

(Silence.)

Okay. Let me step one back, and if I may take a moment and indulge, I'd like to recognize Holly Perdido. Her son, Tye Perdido, was just named Male Athlete of the Year for the MIL. And let's give Holly a congratulations for a job

well done and pass our congratulations on to him.

(Applause.)

That is very awesome. You know, in fact, I was kind of pleased to see really two young athletes, a girl and male, male and female from small schools, which is kind of unusual, because generally the big schools dominate. So, again, congratulations to you, Holly, and tell Tye congratulations, please.

Okay. Public testimony. I do apologize to the public. I kinda get a little anxious here. We will start off with unfinished business. We'll start off with Communications 06-05, pages 4 through 20. And this is a letter dated

February 28, 2006, from Nani R.K. Santos requesting placement on the Board agenda to voice the opinion regarding current situation in obtaining a building permit to TMK (2)3-5-3:01.

Now, I know this has been a matter that has been ongoing, and so I'd call Nani and, I guess, your father, yeah? And I would like to turn to Mr. Tengan and ask, remember, this was about two months ago, and you guys were working on something. Have we reached anything?

Go ahead. Sit down. Sit down. Before we -- you know, I let you talk, I wanted to see where the Department was on this. And I'm sorry. Go ahead, George. Mr. Tengan.

DIRECTOR TENGAN: Okay. Thank you, Mr. Chair.

CHAIRMAN VICTORINO: And before I forget, I forgot to introduce the Director George Tengan who is also present and Alva Nakamura. And you are the head of engineers, right?

Okay. Thank you. I apologize for not introducing. Okay. Go ahead, Mr. Tengan.

DIRECTOR TENGAN: Yes, Mr. Chair and Board Members. I have been working with Mr. Duey, and we feel we can come to an agreement, so that Nani and her husband can go ahead with the construction of their residence.

Basically, what we are going to agree to would be

that they install a fire hydrant, at their cost, for the upper portion of their property. I guess we would need an elevation agreement. As soon as they have -- well, they would need to do their own plans for the fire hydrant. We would need to approve that.

Basically, that would be -- there would be an agreement that should that property be subdivided, then the owners would be required to put in the required improvements, and Nani and her husband would be able to proceed with their construction of their home following the posting of a bond for the fire hydrant.

So, that would be a basic part of our agreement
provided that they will agree to that also.

CHAIRMAN VICTORINO: Okay. Turning to Nani, and I
guess Mr. Duey?

MR. DUEY: John.

CHAIRMAN VICTORINO: Yeah, John. Are you okay
with --

MR. DUEY: Yeah. (Inaudible.)

DIRECTOR TENGAN: That's correct.

MR. DUEY: (Inaudible.)

DIRECTOR TENGAN: No, they would bill you, and you

could turn over the bills to us, and we could make payment out
of the Department.

MR. DUEY: (Inaudible.)

CHAIRMAN VICTORINO: So we can record it, please.

DIRECTOR TENGAN: I don't know if it's -- that's
how it's going to finally end up doing. That part I haven't
discussed with Holly and the staff, but that's how I envision
it should be worked out.

MR. DUEY: Okay. As soon as we can get a plan
through the DWA as to the location of the fire hydrant and
post a bond --

DIRECTOR TENGAN: Right.

MR. DUEY: -- you would sign off on the building permit?

DIRECTOR TENGAN: You know, I would be willing to go as far as to say that as soon as you post a bond, we would go ahead and sign off on the building permit. And maybe come to some kind of understanding in a letter form before a formal agreement is drafted up, and then Nani and her husband can --

MR. DUEY: Yeah, they have been waiting a year for the permit.

DIRECTOR TENGAN: I realize that the cost of construction is rising every day. So, I think it's reasonable

that we can come to an agreement to expedite it as soon as we can so that we can proceed.

MR. DUEY: One other question. Does the plan have to be done by an engineer or something, or is it something you can draw up? Irrigation system part of the plan of just exactly how the meters or the fire hydrant is tied in, and what's required on the main and that and the material and all that.

DIRECTOR TENGAN: I would think we would need a site specific plan showing the elevations and all that.

MR. DUEY: Okay. But does an engineer have to

have a PE stamp on that thing, or is it something that --

DIRECTOR TENGAN: I'll leave that up to Alva.

MR. NAKAMURA: Yeah, it would require a registered engineer to stamp the drawing.

MR. DUEY: Can you give us some names off the top of your head?

DIRECTOR TENGAN: We wouldn't recommend anybody.

MR. DUEY: Oh.

CHAIRMAN VICTORINO: Don't look at me. So, if I am correct, so that the Board understands, that this situation seems to be pretty much resolved. It just kind of like

crossing T's and dotting I's, and we should be able to proceed
between both parties?

MR. DUEY: Yeah. The answer is yes. The answer
is yes.

CHAIRMAN VICTORINO: Okay. Okay. Because I don't
want to keep bringing you back in, and I don't want to keep
putting it on the agenda.

MR. DUEY: And we don't want to keep coming back
either.

CHAIRMAN VICTORINO: I like seeing you folks.
Don't get me wrong. However, I would like to keep it where if
it's being worked out, then let's finish it up between you

folks and the Department. And we wish you nothing but the best and look forward to seeing your beautiful home on the valley side when I drive up to Iao.

MR. DUEY: Well, thank you, but we hope you don't see it. The plan is our -- the property we own, the plan is to keep a buffer zone between the highway -- the roadway and anybody's property. We have a 30-foot buffer zone on our LOC covenants. The whole idea is when you go up Iao Valley Road, you won't see anything. There is a house on the property now you can't see.

CHAIRPERSON VICTORINO: Right.

MR. DUEY: Our idea -- I appreciate your thoughts.

Our idea is to keep the houses built back, the family home, so you can't see the house.

CHAIRMAN VICTORINO: But I can see it in my heart.

That's what I'm saying. Thank you very much, Mr. Duey, Nani.

MR. DUEY: Thank you very much.

CHAIRMAN VICTORINO: Thank you. I am sorry,

Board. Is there anybody have any questions? I think they

have worked it out, so I'm very happy when we can work things

out and not have anything else. Thank you.

All right. Okay. Next item on the agenda is

Communication 06-06, letter dated March 6, 2006, from Mayor Alan M. Arakawa transmitting the February 16, 2006, letter from Shigeto "Mustard" Murayama regarding installation of a water meter for TMK 2-3-30:49, 17 Alea Place, Pukalani.

Mustard, I saw you here. Would you like to come up? And I think the young lady is with you, too, right? She can come up. I prefer seeing her anyhow, Mustard. Off the record of course.

MR. MURAYAMA: Board Members.

CHAIRMAN VICTORINO: Yeah, please.

MR. MURAYAMA: My name is Shigeto Murayama. This

is my grand-daughter Christina Han.

After the last Board meeting, two questions remained. The first, was an attempt to apply for a water meter made on or before December 3rd, 2002. Let me try to answer that.

Mr. Fred Asuncion, an agent for the owners, called the Engineer's office on November 26, 2002, under the assumption that it was a matter of simply following application procedures and inquired as to what needs to be done.

He was told that all he needed to do was to make an application and pay the appropriate fees by December 3rd,

2002. No one can verify the exact date, December 2, 3, 4, 5, but in early December, at the Water Department, he was informed that the review of the files showed that contrary to what was said on the November 26 discussion over the phone, the cost of the improvements, including the fire hydrant, needed to be taken care of before any meter could be issued.

What a surprise, yeah. The rest of the story you have already heard or read. And Mr. Asuncion could not make the application at that time. We are convinced that Mr. Asuncion was there on Monday the 2nd, or Tuesday the 3rd, because it was such an important item to market the property

at its highest value, that is with a water meter or at least the assurance of one.

The property listing date was December 2nd, 2002.

After several offers were made, it was withdrawn because the lack of a water meter. The listing was taken off the market on January 31, 2003.

With Corporation Counsel's opinion of April 2005, the possibilities looked good that a meter could be installed. So, on July 26, 2005, the property was put back on the market and eventually purchased by the Takushis, who had been convinced that it was a matter of time until the Water

Department could change their opinion and grant the water meter.

On Monday, December 9th, 2002 -- it's on your page 92 of Exhibit I of your packet, yeah -- Mr. Asuncion states, in the second paragraph of his letter to then Director Mr. David Craddick, "a recent inquiry," and I underline "a recent inquiry of your Engineering Division" -- and so forth, yeah. I mean, I'm not going to read what he said -- and asked for reconsideration.

Without any response, Mr. Asuncion, on

January 8th, 2003, wrote to the new director, Mr. George

Tengan, requesting review and reconsideration. On April 2004, 16 months later, the staff contacted Mr. Asuncion to verbally notify him that his request was denied.

The point here is that on December 9th, 2002, Mr. Asuncion referred to his recent visit, which was -- which we believe must have been Monday the 2nd or Tuesday the 3rd of the previous week.

Another supporting incident, which was previously mentioned, was the telephone conversation of November 26, 2002, when Mr. Asuncion was told to come in by December 3rd, 2002. As previously mentioned, the property was formerly listed on December 2nd, which is when Maui Realty received

authority to represent the owners and market the property.

We have to assume that Mr. Asuncion went as soon as possible to apply for the meter, for it was such an important factor, you know, to market the property. We feel comfortable in saying that it must have been the 2nd or the 3rd.

There is no question that it was before December 9th, a Monday. December 2nd was a Monday. December 3rd was a Tuesday the previous weekend. Mr. Asuncion was scheduled to attend the Board meeting on Thursday, the 23rd, last week, but could not be present here today due to a

prior commitment.

We tried to jar his memory to have him remember exactly when he went, but he could not remember, only that it was in early December.

Director Tengan, in a letter of July 24, 2004, stated that, in December 2002, Mr. Fred Asuncion requested a water meter. There is no dates, yeah. Since there is no record or evidence that it was done after December 3rd, 2002, we just asking that please accept our facts and assumptions as presented, and grant that it was either December 2nd or December 3rd. More likely than not, that it was.

We can then move on to the second question, which is whether or not granting our request will set a precedent for many more requests to be made. That was one of those -- Deputy Director Nakamura, in response to Board Member Holmberg, said, recognizing that there may be some uniqueness about the situation -- and I might interject here from Webster that unique means highly unusual, extraordinary, rare, having no like or equal.

Now, getting back to Mr. Nakamura, he said that we felt that it wasn't really in our role to interpret the rule differently than what we had been doing to be consistent with

all the past decisions that we have made. So, as a result,
our recommendation was to deny.

It seems as though he is, without saying it,
requesting the Board to take the action on this request, for
they recognize the uniqueness and that there is some rationale
regarding the issuance of a meter. But they just want to be
consistent, and I don't blame them.

Later to Board Member Holmberg's question as to
how many others would qualify with this situation,
Mr. Nakamura responded that he was not really sure and could
not say one way or the other. He couldn't really, right off
the top of his head, tell you right off the bat.

Then to Board Member Aldridge's follow-up

question, Mr. Nakamura stated that it would not be hundreds but maybe 10s. Mr. Kushi, the Corporation Counsel, made a point that due to the limits set in interpreting the rules, it may not affect a bunch of properties.

I submit to you that unless the Department can show you cases that are similar to our very unique situation, we believe that there will not be many, if any at all, similar requests as ours.

In any event, the Board can recommend that any and all future requests be made through the Board and decisions be

made on a case-by-case basis, as Chairman Victorino stated at the last meeting, thereby leaving the Department to remain consistent in their application of the rules.

Addressing Board Member Howden's comment made at the last meeting, I would request, if you will, that you would consider only the facts and information presented and not to automatically, as you have done, reject our request because it was presented by Mustard Murayama.

All requests are made because someone is appealing the Department's decision. Would you reject other cases brought before the Board because it was presented by an

individual, any individual? If you say yes, then you are not representing the public but would be a rubber stamp for the Department. If you say no, then you are, in essence, discriminating against me, Mustard Murayama, an individual in this case.

I do not believe that all of the Board Members knew me until you made your comment. Many are new to me. So, Mr. Michael Howden, would you please reconsider your objection, at least consider only the facts and information presented, and I thank you.

Director Tengan pointed out to the Board three

conditions that must be met before the Board, with a two-thirds majority vote, could waive or modify the requirements of the rules.

First, strict application would cause an absurd, unfair, or unreasonably harsh result. Staff said it would be many, many years to get to a number 503 on the wait list. That's -- you know.

Number two, the Board finds that the circumstances or condition is unique and exceptional. Well, the staff, on several statements, recognized the uniqueness and said there is some rationale with regard to the issuance of the meter.

And the Board would grant the same request if made

by every similarly situated applicant. You could case-by-case determine whether it is similar or not.

Number three, resulting action will be without detriment to the existing users. We cannot imagine how one meter would be a detriment to the existing users.

To summarize, we have presented to the Board why we believe Mr. Asuncion went to the Department on Monday, the 2nd or the 3rd, which was a Tuesday, and there is no objection or opposing facts presented by the staff.

The staff's main argument, although they recognize the uniqueness about the situation, repeatedly stated that

they want to be consistent in all the past decisions they have made. So, as a result, they have recommended denial.

We are asking that the misinterpretation by the past Water Department's administration, which created this problem, be corrected at this time. If you believe that this case has merit, then it would be unfair to deny our request only because it would set a precedent. Then there is no justice, then there would not be a need for a Water Board created to represent the public.

Please do not let this happen. Please vote to recommend approval of our request, and we thank you very much

for listening to us.

CHAIRMAN VICTORINO: Thank you, Mr. Murayama. At this time, I'm going to call for about maybe a 10-minute recess. Let our court reporter get hooked up and get ready, and then we will resume our meeting.

(Recess 8:30 a.m. Resumed 8:40 a.m.)

(Katherine Eismann, CSR, arrived. Meeting from this point forward reported via computer-aided transcription.)

CHAIRMAN VICTORINO: Reconvene the meeting. Just for the court recorder's records, I want to show who's present.

Michael Howden, member, Lee Aldridge, member, Carl

Holmberg, member, Vice-Chair Kenneth Okamura, and Chair Mike

Victorino. Also Director George Tengan and Chief of Engineers

Alva Nakamura. Our new secretary Gaye is here.

And, so, let's continue with the meeting. At this

point, I would open the floor to questions from the Board

Members to Mr. Murayama.

You have heard his testimony, do you have

questions? Mr. Howden.

BOARD MEMBER HOWDEN: Yeah, I actually have a

response.

CHAIRMAN VICTORINO: Okay.

BOARDMEMBER HOWDEN: I have known Mr. Murayama for decades, you know, mostly in an official function when you were Director of the Water Department. And I have great respect for your intelligence and thoroughness.

My questions before -- and I appreciate how well presented your arguments are. My questions before were that -- and I acknowledge, from personal experience and from what other people who have dealt with the Department have told me, that it's very difficult to do business with the Department for the public.

And you keep looking, you know, why the

circumstances that a lot of people face feel personally unreasonable to them. Mr. Duey's, you know, example before I think is a good one. And my concern was just a sense of impropriety. Just that the color, the taste of impropriety that we would be making an exception in the face of all this. Because, I mean, you have known from personal experience, I mean, for the public to deal with the Department, sometimes the demand seems so unreasonable and goes so much against common sense.

And let's say you want to build, and you want to build with catchment or something like that, and you can't get

other people to -- you know, anyone -- the Water Department in the old days did not sign off on building permits. So, I think it's -- and I know it's the intention of this Board, and I feel that gradually the Department may change.

But I personally find the Department mired in bureaucracy and very, very slow to act. And the people who are willing to act, they are -- parts of their departments are very understaffed. And it just raises a lot of questions for me.

So, I'm not -- I don't -- I don't feel biased against you. In fact, I have great respect for you. But I

think that there are other issues, and that your case, in a way, becomes a metaphor for what other people experience in trying to deal with the Department. And I think that that needs to be thoroughly discussed rather than just saying, well, we think it was this way, or we think it was that way.

You know, it's just hard to know what the facts of the case were. And when you make an exception, you want to make it wholeheartedly, and you want to make it in the light of what the problems with the Department have been for the general public. That's all.

CHAIRMAN VICTORINO: Thank you, Mr. Howden. And

just to add, I would hope that Board Members would look

upon -- and I said it at the last, and I have said it many times -- a case-by-case basis. Not whom comes before us, and who brings it to us, but the facts of the case, and that to me is very important. That warrants the decision-making process.

And sometimes personalities and long-term relationship, this island is too small. I don't care if you have been here one year, five years, or all your life. Lots of interconnections just the way this small islands works, yeah.

So, I think whatever decision you make,

Mr. Howden, based on the facts, I think would be more than

appropriate. And whatever else, I think the public looks upon us to make decisions based upon the facts. And I agree with you, sometimes the facts get all mucked up. And like in this case, there are some that really leaves a lot to be desired in what was done by whom and when.

However, let's look at the facts the best we can, draw whatever I would call educated conclusions that we can, and base our decision upon them. So, nothing more needs to be said.

Anyone else have any questions for Mr. Murayama?

Mr. Okamura.

VICE-CHAIRMAN OKAMURA: Mr. Murayama, what number

is this? Did you later on make a request for a water meter?

Did this party?

MR. MURAYAMA: The number is 503.

VICE-CHAIRMAN OKAMURA: I know you mentioned in your statement that, you know, one meter won't make a difference, but for me anyway, I think you are looking at trying to apply the rules fairly. Because, you know, like if you are 500, that means there's 500 before you or, you know, and then there's also -- I think right now the number is out to about 800 or a thousand for the whole list.

So, I think that's the big issue for me, is that, you know, is it a fair decision that, you know, we are going to make, whether we can give out another meter or not, or -- basically, yeah, that's it.

MR. MURAYAMA: I was just quoting the rules, what you can do, what you are supposed to do, and if you follow the three, that you could make a decision contrary to what the Department has come up with, yeah.

VICE-CHAIRMAN OKAMURA: Okay.

CHAIRMAN VICTORINO: Okay. Any other questions for the presenters? I would now ask, at this time, turn to the Department and ask Director Tengan, or do you want

Mr. Nakamura? Who would you like to speak on behalf of the
Department, Mr. Tengan?

DIRECTOR TENGAN: Mr. Chair, I don't have anything
further to add.

CHAIRMAN VICTORINO: Okay.

DIRECTOR TENGAN: Mr. Nakamura may have something.

MR. NAKAMURA: Not at this time.

CHAIRMAN VICTORINO: So, you stand on what was
said at the last meeting?

MR. NAKAMURA: (Nods head.)

CHAIRMAN VICTORINO: Okay.

MR. NAKAMURA: Let me say one thing though, just thinking about it. At the time that the application was made, I think staff had informed them that fire protection requirements would be necessary, at least the applicant.

And subsequent to that, as you know, back on April of '05, Corp Counsel came out and said that in an established subdivision, they would not be subjected to the new system requirements, and they would not be subjected to that.

And the only reason I bring this up is I'm not sure whether or not, because they were told that the fire protection improvements would have to be made, that there was

some hesitancy or some delay in making application,

recognizing that there would be a substantial amount of costs

that would be associated with that.

But since Corp Counsel now has ruled and says it's

no longer necessary, the only issue, of course, is now whether

you are going to circumvent this priority list or not in

issuing the meter. I bring it up, because maybe, through no

fault of their own, maybe they hesitated slightly at the time

to move forward mainly because of the cost.

But since that now has been taken away, you know,

I think it's something that at least you should be aware of

that that might have impacted, if there was any delay, why

maybe there was a delay.

CHAIRMAN VICTORINO: Thank you, Mr. Nakamura. Any

questions on that particular statement? Is everybody pretty

clear on that?

Okay. I will entertain a motion to whatever the

Board's pleasure. We have five members, so we can -- we have

quorum, so we can vote on a decision. So, is there a motion

on the floor? Mr. Holmberg. Go ahead, Kenneth.

VICE-CHAIRMAN OKAMURA: I move that this Board

recommend approval of this -- that the Board recommends to the

Department that we not grant an exception, but we recommend

the giving of a meter. Because there seems to be -- yeah,
anyway, recommend the giving of a meter.

CHAIRMAN VICTORINO: Just so we get the motion
correct. We are recommending giving the meter to the
Takuchis.

VICE-CHAIRMAN OKAMURA: Yes.

CHAIRMAN VICTORINO: Okay.

VICE-CHAIRMAN OKAMURA: I would like to explain.

CHAIRMAN VICTORINO: Okay, wait. We need a second
now. Do I have a second?

BOARD MEMBER HOLMBERG: Second.

CHAIRMAN VICTORINO: Now you may.

VICE-CHAIRMAN OKAMURA: I made that motion,

because, to me, there seems to be a, you know, gray area. I

was reading the minutes of the time when Mr. Asuncion came

before the Board a couple of years ago, and the requirement

for, you know, increasing the line size from four to eight was

still there, was still the stumbling block.

And since that time, the thing that, you know,

seems to create a problem for me is like Mr. Nakamura said.

The decision by Corporate Counsel that the Department cannot

impose standards, you know, after they have been or impose --

I don't know how to say this.

BOARD MEMBER HOLMBERG: Retroactive.

VICE-CHAIRMAN OKAMURA: Yeah, retroactively to subdivisions that were given approvals previously. So, there seems to be enough gray area -- you know, a gray area, and so it's not clear.

We asked Mr. Murayama if he could show that, you know, a request was made before December 3rd, and there seems to be grounds that says, well, perhaps there is, you know, but I guess in this situation, we would be giving them the benefit of the doubt.

To me, this is not an exception, meaning that,

okay, we grant -- you know, you are a special -- this is a

special condition, but it's not an exception that we are

granting I don't think. I think this is a unique situation.

I can't surely say no, you can't have the meter, because, you

know, the evidence proves contrary to this. And, so, I would

give the parties the benefit of the doubt. Thank you.

(Board Member Lester entered the meeting room.)

CHAIRMAN VICTORINO: Thank you. Let the record

show that Kui Lester has joined us. And good morning. Thank

you.

BOARD MEMBER LESTER: Good morning.

CHAIRMAN VICTORINO: We truly understand why it's difficult getting from Molokai. Thank you. And just so you get updated, we are on discussion Communication 06-06, regarding the 17 Alea Place water meter, yeah? Okay.

VICE-CHAIRMAN OKAMURA: Can I just add one thing?

CHAIRMAN VICTORINO: Sure. Go ahead, Mr. Okamura.

VICE-CHAIRMAN OKAMURA: Again, I would like to hear the discussion from the rest of the Board to try to see where my position stands in relation to the rest of the Board. Thank you.

CHAIRMAN VICTORINO: Mr. Holmberg, Lee, who would

like to go first? Okay. Mr. Aldridge.

BOARD MEMBER ALDRIDGE: Yeah, I will comment.

Mr. Murayama made a very articulate and logical and convincing presentation. I'm sure if he isn't now, he certainly should be an attorney.

However, this decision is a difficult one, because it's still unknown the extent of the precedents that this sets, even though the Board takes these issues on case-by-case.

Nevertheless, I am empathetic with his request, and I think I'm inclined to vote in favor of the motion. But

I still do so reluctantly, because it's going against the staff recommendation.

CHAIRMAN VICTORINO: Thank you, Member Aldridge.

Member Holmberg.

BOARD MEMBER HOLMBERG: I would be in favor of it based on my reading of the records previously, that reading between the lines, it was my assumption that Mr. Asuncion did hold back based on the potential cost.

Mr. Nakamura seemed to have indicated that we are not going to open the flood gates by making this decision in favor of Mr. Murayama, and I think there's the benefit of the

doubt in this case. Thanks.

CHAIRMAN VICTORINO: Mr. Howden.

BOARD MEMBER HOWDEN: I'm sympathetic to the situation, and I would simply recuse myself from the vote.

CHAIRMAN VICTORINO: Thank you. I know you came in in the middle of the discussion. I hope you had a chance to read up a little on this. Kui.

BOARD MEMBER LESTER: (Inaudible.) -- from the last meeting.

CHAIRMAN VICTORINO: Yes, could you put the mike closer to you?

BOARD MEMBER LESTER: I am familiar from the last

meeting and I was reading up on it, and I'm also in favor.

CHAIRMAN VICTORINO: Okay. I think I have a sense, and I want to wait until Mr. Aldridge comes back, but again, I will close by saying that each decision must be made on each case's merit. And that's very important for us to remember.

Whenever we make the decision, not using precedents, because sometimes precedent is actually the wrong way to go. We must look at the facts as presented. I think that's always been the way I like to make decisions, and I always encourage others to make the decisions based upon the

facts of that particular case.

So, I feel that there's a sense that the facts pretty close warrants approval of this, with some reluctance, and I agree with the reluctance, because once you say yes to somebody, somebody else will run in and say, you said yes to them. They don't look at the facts. They just going to run in and say you said yes to that party; you should say yes to me.

At that point, whoever the Board is, and I have been on this Board now for nearly five years, always the same thing comes up. Somebody else did something, so we should be

able to do the same thing. And the fact still remains, we have always looked at it on a case-by-case basis.

If you keep that in mind, I think you will always come, I feel, with a good, fair decision based upon the facts. So, we will wait until Mr. Aldridge comes back, and then I will call for the vote at that point. Okay?

DIRECTOR TENGAN: Mr. Chair.

CHAIRMAN VICTORINO: Yes, Mr. Tengan. I apologize.

DIRECTOR TENGAN: Yes, I would like to suggest that the Board recite, within their motion, the three

requirements or points to make an exception to the rule, the
hardship -- what's the second one? I forget.

CHAIRMAN VICTORINO: Mr. Murayama, would you read
those three points? We would like that included, if that's
okay, as a friendly amendment to the Board. Is that okay,
Board Members, as a friendly amendment, that to be added to
the motion, please, the hardships, the three.

MR. MURAYAMA: Number one would be the application
would cause an absurd, unfair and unreasonable harsh result.

Number two, the Board finds that the circumstances
or condition is unique or exceptional.

Three, resulting action will be without detriment

to the existent users.

CHAIRMAN VICTORINO: Okay. That will be added to the motion. Okay. Sensing no other discussion, all those in favor of approving the meter for 17 Alea Place signify buying saying aye.

(Chorus of ayes. Board Member Howden silent.)

All those opposed.

(Silence.)

And let the record show that Mr. Howden recused himself from the decision. And thank you, Michael.

BOARD MEMBER HOWDEN: Thank you.

CHAIRMAN VICTORINO: Okay. Mr. Murayama, we wish you nothing but the best, Miss Takushi (sic), and we are recommending that you get the meter.

MR. MURAYAMA: Thank you very much.

CHAIRMAN VICTORINO: You are welcome, sir.

Miss Takushi (sic).

MS. HAN: Thank you.

MR. MURAYAMA: You are telling me to leave, right?

CHAIRMAN VICTORINO: No, I didn't say that.

MR. MURAYAMA: Thank you.

CHAIRMAN VICTORINO: You are welcome.

Okay. Item C on the unfinished business, my report from the AWWA 32nd, Annual Conference held in Honolulu May 9 through 12th of 2006. I think they got -- there's a book right there.

Three things is very apparent. The water world, especially in Hawaii, is going through some significant changes. I think those who were there, I think, understood and sees that all the counties face very similar problems as we do.

They are beginning to see the same strain on their systems. They are seeing the same problems as far as

expansion, and CIP, keeping up with the systems that are starting to get old and failing. Right now, as you watching the news, almost every week there's a big pipe main break somewhere on Oahu.

And we, in Maui, if we don't do our due diligence, won't be much further behind. I mean, we have small ones, and the Department has been very, very quick to act, but I don't like to see big water mains, like in Oahu, bursting where you have got sinkholes and literally hundreds of thousands of water down and lost forever. So, that was something that was an eye-opener.

Secondly, emergency preparation. I think many of

the counties, including this Department, has sat down with various civil as well as the private sector preparing for what I call a catastrophic disaster. Maui is not immune, ladies and gentlemen. We are very susceptible, and we are not only talking hurricanes. There are other things in our society today that is very prevalent.

I mean, if you just watched the news recently, you see these people trying to hit different cities, different buildings. Who is to say if some group will not want to hit somebody's water system. And I think when you were out there at the AWW, I don't know if you attended the one, it is very

eye-opening to know that if somebody was to get into the water system and put biological chemicals in, we would be in a big world of hurt.

So, I would like to encourage the Department to continue their work towards improving security and working very diligently being prepared for any catastrophic disaster that we can conceivably think of. Not that we can think of every one, but Mr. Tengan, whatever we can do, I think that the public is deserving of that.

I know you guys have worked hard, and I know that certain departments have been very diligent. But there's so

much more to be done. And to be honest with everybody, even with talking with Oahu and the Big Island and Kauai, and all the work they have done, they all feel there's so much more to do. Just not enough time and money. The resources is never enough. But we keep moving.

The biggest highlight was the Civil Defense when they came and they spoke to us. And I think the scariest thing that most of us walked away from was the fact that if Oahu was hit with a category four or five hurricane, this State would be in a world of hurt. Because we, on the neighbor islands, could not assist them in any magnitude, you

know, like we did in Kauai. Because two-thirds, almost three-fourths of the State's population resides in that island, and that is the main port of entry, that is the main port of airlines coming in. I mean, all of our goods and commerce, 95 percent starts from Oahu and then goes to the neighbor islands.

Our harbor could not, I repeat, could not sustain us for very long with big ships. I mean, you see what comes in. Imagine now they are going to have to bring everything in, and there is no Oahu to stop off and break down. It's coming directly from the mainland.

The other thing is, we are 2500 miles in the

middle of the Pacific, and there is no train, no bus, no truck, no means of transportation except air and ship. And ship is four, five days at best. And air, if our airports are destroyed, if Honolulu International Airport was destroyed by hurricane, we would be in world of hurt.

So, that's what this conference is all about.

When you go there, and I really strongly encourage your participation, you share with others your problems, your troubles, and they share theirs with you. Also, they give you ideas on how to resolve some of these situations and some of the problems which you can bring back and share with the

Department and with your fellow Board Members.

So, my encouragement to all of you, whenever possible, to attend these. Now, I also put a proviso on that that when you attend, be there for the meetings; be there for the seminars. And that's my only proviso. I do not enjoy, when I go to a conference and I don't see those who are supposed to be there there. I will say no more about that.

Any questions on the -- this is the State one now, and we will get to national in a few minutes. Kenneth, you were there, too, right?

VICE-CHAIRMAN OKAMURA: No, I didn't go.

CHAIRMAN VICTORINO: No, you didn't go. Okay.

VICE-CHAIRMAN OKAMURA: I was just wondering, I wanted to ask the Department, you know like with capital improvements they are talking about insufficient infrastructure, like on Maui, is it something that is getting worse by the day, or there's improvement, you know, based on what we are able to spend for it or, you know, based on what we --

DIRECTOR TENGAN: Mr. Chair, I'd say to be blunt, yeah, it's getting worse. Several years ago, there was an asset replacement study done, and I think this was the one

that was done by Brown & Caldwell. And they were saying like we needed to replace, replace now, not new facilities, replace \$8 million a year. And we are far from that right now.

CHAIRMAN VICTORINO: I think that's where we and the public must continue to push upon the legislature, the Council, and the Mayor, not to lose sight of these things. Because, again, we do not want to make headline news like Oahu with massive water breaks, water main breaks and being on the front page. We don't need that.

We have an opportunity and catching up is where we are at now. So, let's not even talk about getting ahead. But we do have an opportunity, and so I encourage all of us,

including the general public when they read this, to continue to pounce upon the Council as well as the Mayor to continue to provide the monies, so that the Department can continue with the CIP at the rate that it should be, not at the rate that it has been occurring.

Okay. Under communications, we have none. Under Director's report -- excuse me.

BOARD MEMBER HOWDEN: Can I comment?

CHAIRMAN VICTORINO: Oh, I'm sorry. I apologize.

BOARD MEMBER HOWDEN: No, no, no problem. I hear what you are saying, and I don't think it's simply a matter of

capital improvements. I think it's a matter of really vision
and function, not only of the Department but of County
Government.

VICE-CHAIRMAN OKAMURA: What function?

BOARD MEMBER HOWDEN: Of the County Government and
the State Government really.

VICE-CHAIRMAN OKAMURA: What function you said?

I'm sorry.

BOARD MEMBER HOWDEN: Of the County, you know --

CHAIRMAN VICTORINO: Yes, before that, you said
something about --

BOARD MEMBER HOWDEN: Vision and function.

VICE-CHAIRMAN OKAMURA: Oh, vision and function.

BOARD MEMBER HOWDEN: I mean, obviously, within

the Department, there are people that look at long-range

planning and what the resources are of the County of Maui.

When I hear what you are saying in terms of stuffs not coming

in, you know, food and toiletries and whatever, I think that

we have missed the point. That, you know, for possibly

thousands of years, Hawaii was self-sufficient. And if we

don't look at how we build, how we take care of our

watersheds, if we allow incessant injection wells that are

going to pollute our watertables, if we don't encourage sustainable and diversified agriculture, then we become dependent on, you know, tourism, on the military, things like that, that are really inimical to how we can live here.

And I think that we also -- just as a note, I think we need to look at those questions. I think Molokai would do very well -- actually, in many ways do very well, because it's an agriculturally based economy. You know, what we call an agriculturally based economy here is primarily sugar and pineapple, and that tends not to feed everyone.

CHAIRMAN VICTORINO: Thank you, Mr. Howden. Those are good points. And again, what I was referring to was

catastrophic disasters, but you make good points that that's not the whole picture. There's a lot more that's involved in this picture.

And I agree with you that unless we -- and I think a lot of it starts with the government's visionary. However, the public themselves must stand up and start saying we would like to see our islands this way and be a part of it. And I think that's very important also. I think we have taken some positive steps in that respect, but there's so much more to do. But thank you. I appreciate that.

BOARD MEMBER HOWDEN: Yeah, I think also, you

know, you might add dependence on fossil fuels and oil. That you have still got to be able to move water, and especially for Upcountry, a lot of our water is pumped.

CHAIRMAN VICTORINO: Right.

BOARD MEMBER HOWDEN: And, so, either you have to look more and more with water storages, where you can run by gravity, or you have to look at and/or like, you know, solar and things like that to be able to move that.

CHAIRMAN VICTORINO: Thank you. Any other comments?

Okay. Moving on to communications, none.

We go to the Director's Report. Director's Report

06-05, that's pages 130 to 138, Regulatory Calendar of Safe
Drinking Water Act and Non-Safe Drinking Water Act, Federal
and State Health and Environmental Regulations Applicable to
the Department of Water Supply's systems.

I think you have that in the -- you have a whole
stack of things, yeah? Mr. Tengan, are you going to do the
presentation or Ellen?

DIRECTOR TENGAN: No, Mr. Chair. Ellen will be
handling this portion of the agenda.

MS. KRAFTSOW: Hi.

CHAIRMAN VICTORINO: If you introduce yourself,

Ellen, so that we have it for the record, please.

MS. KRAFTSOW: I am Ellen Kraftsow. I work for the Water Resources and Planning Division.

For those of you who have seen this before, it's quite a bit shorter. This is really just any of the regulations with updates, and it's limited to Safe Drinking Water Act issues.

I don't really have any specific presentation planned other than to say, with regard to efforts that would be required by the Department, possibly the disinfection byproducts regulations coming up, as the Board is already

aware, would either require some total organic carbon removal or move to nanofiltration or something like that.

And other than that, it doesn't appear that radon or arsenic would be a problem at this point, but I don't know for sure. And I can't find my notes. That's really all I have to say, I guess.

CHAIRMAN VICTORINO: I will open the floor for questions from Board Members. Member Okamura.

VICE-CHAIRMAN OKAMURA: Okay. Ellen, you know, I look at this page, the Safe -- I can see what -- okay. The Safe Drinking Water Act Regulations and Guidance.

MS. KRAFTSOW: Uh-huh.

VICE-CHAIRMAN OKAMURA: But I can't make sense out of it. So, could you please maybe give us guidance in trying to understand this?

MS. KRAFTSOW: Oh, okay. This is a table that is kept in my division. It's more -- it was originally made for -- mainly for internal use. And on the very left-most column is the rule, and the middle column shows the status, either the Federal or the State status of that rule, if it's finally effective, or if it's pending, when is the anticipated date that it's pending.

And then under -- I guess it says action, it could be -- just as easily be comments. The third column says -- that sort of takes a rule, which may be a hundred page rule or 200 page Federal Register thing, and boils it down to key points in a paragraph, so that people -- anybody can look at it and kind of know what's coming down the pike.

Does that help? Yeah.

VICE-CHAIRMAN OKAMURA: And then what are some of the key things we need to be aware of in this one?

MS. KRAFTSOW: Probably the Long Term Enhanced Surface Water Treatment Rule, which will require disinfection

profiling and some treatment. Given contaminants are over a certain level, as you know, from the lead and copper study.

It is anticipated that we may need to take some action relative to keeping trihalomethanes and haloacetic acids down, which may be removal of total organic carbon, or it may be changing from microfiltration to nanofiltration or different ways to meet that. It probably would be TOC reduction in our case.

VICE-CHAIRMAN OKAMURA: So, you are talking about both Long Term 1 and Long Term 2 or just on the first page?

MS. KRAFTSOW: I believe that the only difference is the size of systems, so they are really the same rule.

VICE-CHAIRMAN OKAMURA: Okay.

CHAIRMAN VICTORINO: Isn't the source type of water also applicable in that respect? Because again, ground versus surface water, and I think that's something that's been heavily discussed, and the intermixing of the two, and the creation of probably something that many of us have never really thought about, and the organisms as well as the micronium residual.

MS. KRAFTSOW: Yeah, this is -- these enhanced water treatment rule and disinfection and disinfection byproducts rule --

CHAIRMAN VICTORINO: Yes.

MS. KRAFTSOW: -- primarily -- at this time, primarily refer to surface water systems. But groundwater systems, I think, there's -- I don't want to say. Yeah. Those right now primarily are for surface water systems.

CHAIRMAN VICTORINO: For surface water, but again, the growing dependence of surface water being mixed in with groundwater, especially Upcountry, now we are looking at Wailuku and the Central system, I think those are the questions we are having right now. We have not seen any residual. However, are we making some contingencies to

monitor to see what kind of changes do occur?

MS. KRAFTSOW: We will have to meet all the surface water treatment rule requirements for those systems.

It seems, from what I understand -- I have not tested the water myself or looked at the tests myself. But from what I understand, and it would make sense, that the water down in Iao is considerably less acidic than what we are getting Upcountry. It's not flowing through as many acres of mountain watershed.

So, that might indicate that we would be, like need to have less difficulty with lead and some other things.

But, the proof is in the pudding. You know, we will see what happens.

CHAIRMAN VICTORINO: Okay.

BOARD MEMBER ALDRIDGE: I have a couple questions.

CHAIRMAN VICTORINO: Sure. Go ahead. I apologize, Member Aldridge.

BOARD MEMBER ALDRIDGE: Ellen, I don't like the sound of this thing. (Referring to microphone.)

I have two questions. The State of Hawaii, Department of Health Services, have primacy on all of these rules, is that correct?

MS. KRAFTSOW: (Nods head.)

BOARD MEMBER ALDRIDGE: Are their rules essentially the same as EPA's, or are they adopting more stricter rules in any of these areas?

MS. KRAFTSOW: There are just a few areas where they are more stringent than EPA. The DBCP standard is more stringent than EPA. There are a couple others. I can't bring them to mind right now exactly which ones. But, for the most part, they are pretty much identical with EPA.

BOARD MEMBER ALDRIDGE: So, they have adopted a more stringent DBCP standard.

MS. KRAFTSOW: Yes, yes. And I think there might

even be one area where they don't have primacy, but I'm not
100 percent certain.

BOARD MEMBER ALDRIDGE: Okay. The other question
is the Surface Water Treatment Rule, the Enhanced Surface
Water Treatment applies to surface water and only to
groundwater that's under the direct influence of surface
water. Have any of the wells in Maui County been determined
to be under direct influence of surface water?

MS. KRAFTSOW: None have been determined to be
under the direct influence of surface water, but there are
some that would be candidates or potentially at risk of that

determination.

BOARD MEMBER ALDRIDGE: Suspected of being?

MS. KRAFTSOW: I think there are a couple that we actually had letters from the Health Department at one time that said that they would not be considered groundwater under the direct influence. But where those letters would be now, I don't know.

And some of them are quite shallow, or some of the sources we weren't sure what they were going to do, and they, right now, are not considering. But we have, you know, the Ualapue Shaft, the Kawela Shaft. Those are wells. They are

not high level water or anything, but they are very shallow compared to the wells that we normally have.

Waikalae Tunnel could be at risk. Iao Tunnel maybe could be at risk, although maybe -- the water quality doesn't seem to show any concern like that.

BOARD MEMBER ALDRIDGE: Have they been subjected to that profiling to determine whether or not they are?

MS. KRAFTSOW: Well, the water is tested for things like Bac-T and stuff regularly. And, so, yeah. But to be honest, I didn't really prepare for this. So, you may ask me some questions I can't answer that I'd have to go look up. I'm sorry.

CHAIRMAN VICTORINO: If may I make a suggestion, and this is at the pleasure of the Board. If you have specific questions, A, get them to Ellen. And at our next meeting, she can address these questions more specifically, you know, instead of asking her something she's not prepared for.

BOARD MEMBER ALDRIDGE: Sure.

CHAIRMAN VICTORINO: I would ask all Board Members, if you have specific questions, Ellen, we get them forwarded to you either by via e-mail or however you want to get it, through our Board Secretary, get it to Ellen, and then

we will put you on the agenda again to answer those specific questions, and allow maybe all of you a little more time to read up on this.

And, again, if you have specific questions, this would be the time to ask it, and that way she can come better prepared. And that's up to you folks, but I think instead of trying to ask and her not be prepared for an answer. Is that all right with the Members?

Mr. Tengan, you have something you would like to --

DIRECTOR TENGAN: Yes, I would like to request

that the Board Members communicate their questions through the Board Secretary.

CHAIRMAN VICTORINO: Okay. Okay. Now that we do have a Board Secretary, please forward all requests to her and/or through me, whichever we have done in the past. And I have no problem with getting requests and forwarding it on. The only reason I like having it is that way, if the same request comes two or three times, then it's easy for me to go there and say, yeah, three people want to hear this. Let's make sure that's a part of the agenda. Okay? Is that all right, Members?

BOARD MEMBER HOWDEN: Yes.

CHAIRMAN VICTORINO: If you have any other questions you would like to ask, I am not going to say you can't ask them, but, again, if Ellen is not prepared, I don't want to put her in a position that --

MS. KRAFTSOW: I will tell you that I don't know, or it will be obvious that I am just guessing.

CHAIRMAN VICTORINO: Yes, yes, yes. Okay. So, Ellen, we will put you on the next agenda.

MS. KRAFTSOW: Just if there are any unanswered questions, I guess.

VICE-CHAIRMAN OKAMURA: Yeah, maybe I can ask one.

CHAIRMAN VICTORINO: Sure. Go ahead.

VICE-CHAIRMAN OKAMURA: You said that the long term issues on the surface water -- Long Term Enhanced Water -- Surface Water Treatment Rules are of concern -- are of concern to the Department?

MS. KRAFTSOW: The Long Term Enhanced and the Disinfection Byproducts, which is on the next page.

VICE-CHAIRMAN OKAMURA: Why would that be of greater concern to the Department?

MS. KRAFTSOW: Because that's the one where we do -- we have had some issue with trihalomethanes, and at

least detections of haloacetic acids in our Upcountry systems.

And, so, we may need to put in total organic carbon removal,

TSC removal, or filter more -- we can move from

microfiltration to nanofiltration would be another option, you

know, without having looked at any of those in detail, but I

think the Upcountry study looked at some of that, yeah.

VICE-CHAIRMAN OKAMURA: Okay.

CHAIRMAN VICTORINO: Thank you, Ellen. Anything

else or -- again, please, communicate through the Board

Secretary any specific questions, and we will ask Ellen to be

at our next meeting to address those questions. Thank you,

Ellen.

I know you got to leave pretty soon, yeah. Under other business, A, discussion and possible action regarding election of Board Chair and Vice-Chair and for the fiscal year 2007. And that will be from July 1, 2006 to June 30, 2007.

I think I discussed briefly with some of the Members, and just so that you know what I have asked, and this is up to the Board, I have asked that maybe we put this off until September's meeting. There's a number of issues I'd like to complete before I step down.

Secondly, we will be getting, hopefully, one new

member next month and another one shortly thereafter to make our Board full again, because we have been operating on minimal numbers with seven, you know, and it's become a real challenge to have meetings.

And, so, but it's the Board's pleasure, and I have always worked with the Board. Whatever they please is fine with me. So, you know, I leave it up to you how you guys want to address the situation.

BOARD MEMBER HOLMBERG: Question.

CHAIRMAN VICTORINO: Sure.

BOARD MEMBER HOLMBERG: Could you reiterate what the proposed delay was until?

CHAIRMAN VICTORINO: September's meeting, until September. Specifically, September's meeting. It would be September's meeting we would take action on a new Board, new Chair and a new Vice-Chair. I mean, no more delays. That's it. I mean, that's -- it has to be completed by then.

And there's a couple other things that I want to finish regarding you folks and the request for the appointment of a Board -- we will discuss that. Let's not go too ahead of myself. You know what I mean.

BOARD MEMBER HOLMBERG: I'd like to propose a motion to delay the election for the Board Chair and

Vice-Chair until the September meeting.

CHAIRMAN VICTORINO: 2006.

BOARD MEMBER HOLMBERG: 2006, yeah.

CHAIRMAN VICTORINO: Yeah, be specific.

BOARD MEMBER ALDRIDGE: I will second that.

CHAIRMAN VICTORINO: It's been moved and seconded.

Any discussion? All those in favor say aye.

(Chorus of ayes.)

Opposed?

(Silence.)

Thank you. And, so, it will be on our September

meeting. And then in the meantime, too, ladies and gentlemen, you get to get to know each other a little bit better and who you would like to be your leader. I strongly recommend Kenneth for our next Chair, and I will help him in every way possible.

But you are the Board that makes that decision, and I will do whatever I can to help all of you make good decisions in that area.

Moving on to B, discussion and possible action of creation of appointments of Board Members Lee Aldridge and Michael Howden to the Conservation Plan Committee. I thought

this was a great idea, and I always encourage that Board Members want to serve on something, I have no problem.

But maybe, between Michael and Lee, one of you could enlighten the rest of the Board on what this specifically means. Because I think I had left the meeting, so maybe it's for me I'm asking for more than anybody else.

BOARD MEMBER ALDRIDGE: All right. Michael, if you would like, I will go ahead and comment on it.

CHAIRMAN VICTORINO: Sure.

BOARD MEMBER ALDRIDGE: It was in response to a discussion that Ellen had initiated with regard to the need to prepare a Water Conservation Plan.

CHAIRMAN VICTORINO: Okay.

BOARD MEMBER ALDRIDGE: And the deadlines that were involved, and even a question as to whether or not a particular deadline could be met. And I suggested that perhaps it would be useful for both the staff and the Board, if we have a subcommittee of the staff or a committee of the staff involved in this, so that we could, you know, be more informed and bring that information back to the full Board, and perhaps, in some way, at least assist the staff, although the staff obviously has to prepare this water conservation plan.

So, that was the genesis of this idea, and

Mr. Howden also suggested that he would like to serve on it.

We both would be appreciative of serving.

CHAIRMAN VICTORINO: Okay. Michael, do you have any comments?

BOARD MEMBER HOWDEN: No, I just feel it would be useful for the Board to be a participant, an active participant in this process.

CHAIRMAN VICTORINO: Let me ask you this question, Mr. Tengan. Do we have a conservation plan committee yet as far as the Department is concerned?

DIRECTOR TENGAN: Mr. Chair, the conservation programs are under the direction of Ellen.

CHAIRMAN VICTORINO: Okay.

DIRECTOR TENGAN: So, I go back to you then, Ellen. Would you welcome -- I know you always welcome help. You have never said no.

MS. KRAFTSOW: I would be happy to work with Board Members on a committee. We also have the Water Advisory Committee, and conservation options are being considered as part of the Water Use and Development Plan process. So, what we have been using as the Conservation Committee is the Water

Advisory Committee.

And, for instance, in our August meeting, the initial screening of some of the options, which include supply side and demand side conservation options, will be discussed.

So, that's what we have been using. We don't have a

conservation committee per se. There was a landscape

conservation committee some years ago, which resulted in a

draft landscape conservation ordinance. Which, at the time --

which is an appendix in our Draft Water Development Plan.

But at the time, it was decided that the island

didn't have enough support to publish this plan. First of

all, it relied on having more knowledge about the necessary

water use of some of the plants than we actually scientifically have. And at that time, they didn't feel that there were enough sources of adequate quantities of native plants, which I think now maybe there are.

And at that time, they didn't feel there was enough information, in the landscaping community, about how to propagate and maintain a native landscape and some other things. Some of those things have been addressed, but I think there's still nothing like comparable to the California WUCOLS project. In California, they actually set a reference grass as a reference, and then they measure the water needs of many,

many other species relative to that grass. And they have these huge compiled tables that a landscape architect can simply refer to in designing his landscape.

And then as long as he stays within -- or she stays within a certain percent of that use, in given areas, they can pretty much design as they will. Other options would just be to limit turf and things like that.

The committee, at that time, wanted to provide, you know, column A or column B kind of choice, so either just limit your turf or design the landscape to be within X percent of a reference much like they do in California grass.

And that second option is still not really available, because we don't have good data. It would be a statewide, like, university study probably that would be needed. But there is this draft ordinance that allows either/or that could be enforced in the interim just with the turf and other limitations in the Department for soil moisture sensors and things.

CHAIRMAN VICTORINO: So, may I request then that Mr. Howden -- Member Howden and Member Aldridge join your water conservation or your water advisory, I guess as Board Members, to advise us and to work with you folks. Would that

be appropriate? Do I have to write a letter or would you accept that?

MS. KRAFTSOW: We would love to have Board Members there. And also, you know, if you want a separate committee, we would be willing to work with a separate committee. I just don't know, you know, or even just work individually with these Board Members, you know, whatever the Board deems appropriate.

The only thing that I would hesitate about is given our staffing, if we have too many separate committees --

CHAIRMAN VICTORINO: Yeah.

MS. KRAFTSOW: -- just serving those committees'

agendas and things like that becomes logistically difficult.

CHAIRMAN VICTORINO: And that's what I am trying to -- Michael, would you think that would be appropriate, or would you rather have a separate committee? I mean, you know, I don't like to recreate the wheel if I can avoid that. Would you like to try that first and see how that works, and then, if not, you know, we can always change it at a later date.

BOARD MEMBER ALDRIDGE: I certainly would be willing to. I don't want to make any extra work for anybody.

CHAIRMAN VICTORINO: And I think if they are working in that direction, your expertise and your

contributions would be greatly appreciated and be able to bring back to us what is going on there. I think it's a win-win situation for all.

BOARD MEMBER HOWDEN: Good.

CHAIRMAN VICTORINO: Okay?

BOARD MEMBER ALDRIDGE: Sure.

CHAIRMAN VICTORINO: So, is that all right with you, Ellen?

MS. KRAFTSOW: So, please, I will get your mailing addresses from our new Board Secretary, and then I will make sure you are informed when the next advisory committee meeting

mailing goes out.

CHAIRMAN VICTORINO: And if you have minutes from the former meetings, maybe getting that to them, so they can get up to snuff what has occurred, whatever has occurred up to this point.

MS. KRAFTSOW: Okay.

CHAIRMAN VICTORINO: Is that all right, Michael and Lee?

BOARD MEMBER HOWDEN: Yeah. Could we get -- at your leisure, could we get copies of the landscape plan, if you have it?

CHAIRMAN VICTORINO: Okay. Member Okamura, you

have something you would like to say? I am sorry.

VICE-CHAIRMAN OKAMURA: Thank you. I think that

might be good to work with the Conservation Committee. But I

don't know if, you know, the direction that they are going is

the direction that the Board would like to go in terms of

conservation plan.

Lee, you have done a lot of this before, so you

would probably know if it's -- you know, because I -- I

envision, You know, An all encompassing plan or just a general

plan for the county or something or whatever, touching on

whatever is available to conserve water from laws and

regulations to, you know, water saving showerheads. So, I don't know.

I think, you know, it's good to work with the current committee, but then, hopefully, it will be the direction the Board would like to head with this conservation plan.

BOARD MEMBER ALDRIDGE: Well, I think as the Chair had pointed out, if it isn't the direction the Board would like to proceed in, we may revisit this and perhaps set up a separate committee.

CHAIRMAN VICTORINO: Yeah, and again, Mr. Okamura,

I'm not trying to set any precedent other than I see something that's there already, and maybe you can be a part of, contribute to, and if it helps, and it's the direction you think we should be taking, then fine. If it's not, then we could always establish our own committee. There's no rules against that.

BOARD MEMBER ALDRIDGE: Sure.

CHAIRMAN VICTORINO: Okay. Let's try that.

BOARD MEMBER ALDRIDGE: Absolutely.

CHAIRMAN VICTORINO: Then come September, October, when the new Board Chair is on, then you can revisit it at

that point, Mr. Okamura.

Okay. C, I know we got -- I know Mr. Holmberg has to leave in a very short time, so I'm going to allow him to start off. This is a report from the Board Chair on the AWWA Annual Convention and Exposition held in San Antonio, Texas, June 11 through the 15th, 2006, and comments from Board Members who were in attendance. Okay.

And I'm going to let you go first, Carl, because I know you must leave pretty quick. Other than being very hot, go ahead, tell us about San Antonio and what you got out of it.

BOARD MEMBER HOLMBERG: First, I should say that

amongst the people here, I am probably least experienced with water supply matters. And, so, I found this to be very educational. My focus was on desalinization, disinfection, and disaster preparedness sessions. I guess I will jump back.

Given our previous discussion regarding disaster preparedness, in that although we had had -- we, the State -- have had experience with Ava and Iniki previously, and, so, we have learned from that, the experience of Katrina, on the mainland, has obviously been very traumatic, and there have been ongoing lessons they are learning from that.

And amongst the things I would -- I would pass on,

is that I am in a position to know that the Maui Police Department had recently put together a disaster plan, which the general -- the gist of which was, I feel, completely inadequate and was more of a paper study, filling in the blank that was necessary because of State or Federal regulations than anything else.

And I trust that given that the Board of Water Supply on Kauai has had an actual disaster to work with, and from my reading on that, and from talking with some of the professionals that I met at the meeting in San Antonio, gave me some first-hand experience on, I think that you gentlemen

are probably better positioned to actually be effective if we have a disaster.

But I would like to be able to see -- if there's any drafts that you gentlemen -- that Mr. Tengan or that the Department has come up with in the past, I'd -- I personally would feel warmer and fuzzier if I were able to see those myself. I can't affect the Police Department. I can have some effect here.

Another item is I know that desalinization has been spoken about for future water supplies here given that most of our sweet water supplies have already been spoken for,

and my previous experience with desalinization 20 years ago was that it was not a player as far as being cost-effective.

They have come a long way since then. However, the presentations I was listening to in San Antonio were based on power -- on electricity being 6 to 8 cents a kilowatt hour. Since we are a little bit higher, it would obviously take a little bit more work with an Excel spreadsheet before we could necessarily justify that here.

But nevertheless, it's something that is growing in use on the mainland for both brackish and seawater treatment. And finally, although again, because our hydrology

is considerably different than what they work with on the mainland, nevertheless, the issues of wastewater treatment and the byproducts of human existence are very important on the mainland, since anything from ibuprofen to just human hormones are becoming increasing issues with wastewater treatment and, hence, downstream with water supply.

And since, obviously, we treat the -- another department treats quite a bit of effluent, at some point or another, we are undoubtedly going to come to grips with wanting to reuse effluent. And, so, we will need to keep in mind all the many, many, many byproducts of human existence as well as the pathogens that we already deal with in surface

water.

And that was the -- that's the gist of what I was picking up. Thank you.

CHAIRMAN VICTORINO: Thank you. And that's, I think, one of the keys, as each member goes up and goes to these specific seminars, you tend to pick up a lot of information and a lot of interaction with others.

We find that there's a lot of commonalities between their problem and their systems and the ones we have here in the islands. Yet we have some very unique situations which they don't even -- it doesn't even exist in their

systems.

What I tried to do, is I tried disinfectant, I also tried management, and I also tried disaster. You know, I followed some of the same things you did. And one of the things that was very telling is our problems Upcountry is becoming one of the most leading-edge worked on problems as far as the microorganisms and all of this lead and copper and all this.

Hawaii has such a -- especially Upcountry has such a unique system, that they talk about us as they are discussing some of the problems. And Dr. Mecklenburg was very

precise in saying that we are only beginning to understand,
again, I reiterate, beginning to understand the problems that
are being created by chemical, surface and groundwater,
intermixing the two, the various systems, old systems, what is
occurring within your own home, having what you have. Depends
how old the home is, whether there is lead, lead soldering.
There is so many things. And he says we have only touched the
surface of the problem. We are only on the edge of finding
answers to a lot of these questions.

And it was very interesting to listen to them and
to understand that there is so much more work that needs to be

done, and that Maui and the Upcountry system is one of the systems they are looking upon to find answers from.

And, so, it's kind of unique to hear them talk about us in that manner. It was very, very enlightening. And beyond all of these seminars and all of this education that you get, I think the interaction, going to some of the events and interacting with others, not only from Hawaii but throughout the nation and even from foreign countries -- I had a chance to sit down with some people from Taiwan. Very interesting what the Taiwanese are doing.

And again, the interaction, the sharing is very, very important. And that's what these conferences is all

about. Not just having a good time, but getting up there, getting better educated, better informed, so that you can come back and even do a better job for the people of Maui.

So, I think Carl and Ginny, you know, I thought the conference was very well. But in closing, I say you can keep San Antonio. I will stay in Maui. Sorry. The River Walk was not what I had hoped it would be. Actually, it looked just like a puna wai that was just bigger than our puna wais, right? I mean, it was just spread out more and had boats going up and down.

I am sorry. But, it was okay. And 103 degrees,

with no wind and the humidity up like 90 plus percent, you can keep San Antonio. I am sorry. Excuse me.

Any questions, feel free, give me -- yes, sir. Go ahead, Michael.

BOARD MEMBER HOWDEN: Just a comment in terms of what Carl presented. The Director of Civilian Defense for Maui appeared at the Kula Community Association last week. And he said, clearly, and I really appreciate this frankness. He said we are nowhere near prepared for any kind of disaster on any level. And, so, I would just confirm, you know, that these are real concerns.

CHAIRMAN VICTORINO: Right.

BOARD MEMBER HOWDEN: And how do you prepare?

It's not simply a matter of having like a year of food supply stashed away somewhere while your neighbors are starving. You know, you have got to look at the society, at the community as a whole. How do you prepare? How do you move water? How do you move resources? How do you kokua each other?

CHAIRMAN VICTORINO: Yes, and I think one of the things that Hawaii has been noted for, and if you look back at Iniki, the whole state rallied and was up there in force in Kauai.

The concern I had, as I stated earlier, if Oahu is hit, even though the whole State may want to rally, we would not have the means or resources to do it. And I am just talking on the human level, the human area. Even like, for example, shelters. We are not even close to having enough shelters to take care of people that homes would be destroyed because of a major catastrophe.

BOARD MEMBER HOWDEN: Well, the other thing, too, is we are not really designing for disaster. And as you come into the cycle of what I assume is global warming, the events -- the weather events become more and more pronounced and erratic.

And unless we begin to address that, I mean, it doesn't do any good to rebuild houses that are poorly situated, and you really can design for disaster. And I think that we need to look at that.

CHAIRMAN VICTORINO: Good point, Michael. Thank you. Okay.

VICE-CHAIRMAN OKAMURA: How many people from the Department got to go this year, five?

CHAIRMAN VICTORINO: Was it five? Four or five. I know Joe was there. Eric was there. Paul was there.

DIRECTOR TENGAN: Larry and one of our operators.

CHAIRMAN VICTORINO: Yeah, I can't think of the
young man's name.

VICE-CHAIRMAN OKAMURA: How many engineers
actually went?

MR. NAKAMURA: One.

CHAIRMAN VICTORINO: One. I think they tried to
get one from each department. Yeah, you guys try to get one
from each various department to go, yeah?

DIRECTOR TENGAN: From the division.

CHAIRMAN VICTORINO: From the division. I stand
corrected. From the division.

DIRECTOR TENGAN: And Eric was there.

CHAIRMAN VICTORINO: Eric was there, yeah. It was well attended. I mean, every time I walked around at various sessions, I saw the Department people attending various sessions. So, they work very hard when they are up there. So, I can attest to that.

Okay. Moving along, verbal update on Pookela.

Tells us, please.

MR. NAKAMURA: Yeah, Mr. Chair. Currently, the switch is going to be thrown on Pookela. We have rescheduled it to July 11th from the 5th. And the reason for the change

is that one of the key people that needed to be there, from Flow Serve, couldn't make it from the mainland. So, they had to reschedule it to the 11th.

He's key, because they are the ones that provided the pump and motor, and they also provide the warranty for the equipment. So, they need to be present.

CHAIRMAN VICTORINO: Okay.

MR. NAKAMURA: Right now, again, we are scheduled to turn the switch on on the 11th pending any unforeseen problems. The one glitch came up this morning where I have to work with Maui Electric to insure that they have permanent

power and ready to stub the meter in for the facility.

And this was just brought to my attention this morning, so I am following up with that with Maui Electric.

But other than that, right now, we are scheduled for the 11th.

CHAIRMAN VICTORINO: Okay. Good. Would it be possible that when you throw the switch -- Mr. Tengan, I request this to you -- that if any of us wanted to be present, would that be applicable or would that be appropriate?

I mean, I just asking, because we have waited so long, I'd like to be standing there when the switch is thrown. I don't know if I want to be around once the switch is thrown,

but is that possible? I don't know. I don't know what rules are in these areas.

DIRECTOR TENGAN: That's something we would have to check with Corp Counsel.

CHAIRMAN VICTORINO: Okay. Please, if you would and let me know. And any Board Member, if it's okay, if we wanted to join, and maybe we can carpool it up there. I was there when they first dug the well, and so I'd like to be there when the first water comes out, officially, officially.

Okay. Moving right along, thank you, Alva.

Receipts of requests to put agenda items in future agenda. Now, we do have a Board Secretary. I would ask all

of you, any item that you want to put to the agenda, please be forwarded to her. Okay?

And what I have done in the past, she will -- like Jerry does -- call me, and we will sit down and review all the agenda items. Again, sometimes because of time restraints, I may not be able to put everything down. But so long as we have a meeting room -- and again, we are gypsies. So, for right now, we are just going to bebop wherever they can find us a meeting room, gang.

So, sorry. We may be here. We may be there. We may be somewhere. One day I hope that we will have some

little meeting room somewhere within the Department, that we can have a permanent site. But, ah, we can wish.

So, can I have your agreement that any agenda items will be forwarded to our Board Secretary, and that's her responsibility. If you have anything you want to bring up now, we can go ahead. If not, please forward it to her.

Mr. Aldridge, do you have something?

BOARD MEMBER ALDRIDGE: Yeah, there is something I'd like to bring up.

CHAIRMAN VICTORINO: Sure.

BOARD MEMBER ALDRIDGE: And I don't know that it's

an agenda item, but it's an issue I have been thinking about.

And that is I am wondering if it would be appropriate to have

an opportunity to tour the water facilities, for the Board

Members, and particularly in two months, when we have two more

new members. And if we couldn't set something up like that,

at sometime in the future, I would love to see some of the

facilities. And I'm sure other Board Members would like to.

CHAIRMAN VICTORINO: Yeah, I have had the good

fortune of touring some of the sites, and I think the

Department could arrange something, yeah, Mr. Tengan?

DIRECTOR TENGAN: (Nods head.)

CHAIRMAN VICTORINO: Once we get the other two new members on, it would be nice if we could arrange, and then all of you go, and anybody like myself who would like to join again, and see it one more time, because it is very fascinating at times, very, very fascinating. So, okay, Mr. Tengan?

DIRECTOR TENGAN: Yes, I may caution about again, it's something that might have to be --

CHAIRMAN VICTORINO: Cleared with Corp Counsel.

DIRECTOR TENGAN: Yes.

CHAIRMAN VICTORINO: Again, for the reason for the notice is, again, in Sunshine Law. When a group of us get

together, even if it is for tour purposes, we may have to notice that. Now then that -- I don't know if that has to open up to the public. I'm not sure all those ramifications, yeah.

DIRECTOR TENGAN: If it's noticed, then it would have to be opened to the public.

CHAIRMAN VICTORINO: Okay. So, let's talk with Corp Counsel, and we will try to set something up. But I agree. We have a number of new members that would like to see it, right, Michael?

BOARD MEMBER HOWDEN: Definitely.

CHAIRMAN VICTORINO: Yes, Michael.

BOARD MEMBER HOWDEN: Yeah, it was brought up to me that there was some questions about injection wells and the effect on groundwater systems on -- throughout the county. And if someone from the Department could discuss that with us, to let us know how that's being monitored and what the present status of that is, I would be appreciative of that.

CHAIRMAN VICTORINO: So, what you are asking for is a status on injection wells and what effect they are having --

BOARD MEMBER HOWDEN: Yeah.

CHAIRMAN VICTORINO: -- throughout the County.

BOARD MEMBER HOWDEN: Yeah, because injection wells more and more are being seen as part and parcel of new developments that are planned within the County and especially near the coast.

CHAIRMAN VICTORINO: Right.

BOARD MEMBER HOWDEN: And what the effect on our groundwater and on the near water, the coastal waters would be.

CHAIRMAN VICTORINO: Okay. Anything else? Any other requests? Again, it's not limited to just today.

Again, I ask -- I request by the 5th of next month, and the reason I use that date is because we have to put it together, set the agenda, and get the agenda out seven days prior to the next meeting. So, just for the purpose of some order, if that's okay with everyone.

DIRECTOR TENGAN: Mr. Chair.

CHAIRMAN VICTORINO: Yes, Mr. Tengan.

DIRECTOR TENGAN: You should also realize that if a staff report is required, that more time will need to be allowed.

CHAIRMAN VICTORINO: Yes. You understand what

Mr. Tengan -- Director Tengan is referring to, is that if a

staff report has to be generated on any item, sometimes it may not be able to be put on the next agenda. Maybe it has to be put on the following month.

So, if that is a -- if that occurs, I will let the Board Members know that requested item will be put on the next Board meeting, or whatever the earlier possible meeting will be, yeah? Okay. Moving on, Divisional Reports.

BOARD MEMBER HOLMBERG: Excuse me, Mr. Chair. I need to leave.

CHAIRMAN VICTORINO: Yes, thank you for staying a little late. I appreciate it. We have the Division Reports.

Any questions on that? That's a separate --

BOARD MEMBER ALDRIDGE: I had a comment.

CHAIRMAN VICTORINO: Sure, Member Aldridge.

BOARD MEMBER ALDRIDGE: I must be part of the
quality control. I just found another typo.

CHAIRMAN VICTORINO: Okay. What page is that?

BOARD MEMBER ALDRIDGE: It's on page seven, the
Water Treatment Facility Production and Reservoir Levels, the
column that says 2004 versus 2005 should be reading 2005
versus 2006.

CHAIRMAN VICTORINO: Okay. That shall be

corrected.

BOARD MEMBER ALDRIDGE: And then I had a question.

I was wondering why the drastic reduction or actually increase in the Piiholo plant production from one year to the -- compared to last year and vice-versa, the Kamole plant production went way down.

CHAIRMAN VICTORINO: Director Tengan, would you like to respond to that?

DIRECTOR TENGAN: Thank you, Mr. Chair. It's something that I would have to get back to Member Aldridge.

CHAIRMAN VICTORINO: Okay. We will make sure that

you get some response on that, and a CC to all Board Members.

Okay. Can you state your question specifically, so that we

know what you are asking for?

BOARD MEMBER ALDRIDGE: Specifically, I'd like to

know why there was such a drastic change in production for the

Piiholo and the Kamole facilities.

CHAIRMAN VICTORINO: Okay. Thank you. Anything

else on these Divisional Reports?

DIRECTOR TENGAN: Mr. Chair.

CHAIRMAN VICTORINO: Yes, Director Tengan.

DIRECTOR TENGAN: I may be able to offer a reason.

I think it was a couple years ago that our Division Chief

approached Maui Electric to go into a -- I forget what they call it. Maybe Alva can explain it -- program whereby we would be pumping only during certain hours of the day and have a reduced rate.

BOARD MEMBER ALDRIDGE: A time of use.

DIRECTOR TENGAN: Right. And also, we try as much as possible to keep pumping from Kamole going up to the lower system down to a minimum. So that those would be two reasons why. But we will verify that with Paul and get back to the Board.

BOARD MEMBER ALDRIDGE: Thank you.

CHAIRMAN VICTORINO: Thank you, Director Tengan.

Do you have anything, Michael?

BOARD MEMBER HOWDEN: It's listed as Kamole. Is

that Kamaole or Kamole?

CHAIRMAN VICTORINO: Kamole.

BOARD MEMBER HOWDEN: Kamaole.

CHAIRMAN VICTORINO: No, Kamole.

BOARD MEMBER HOWDEN: It's confusing. Thank you.

CHAIRMAN VICTORINO: I am still confused with all these names myself. Okay. All right then. If nothing else under announcements -- I mean, I'm going to adjourn.

But again, thank you very much for your patience.

Again, next month's meeting should be the regular time and I

hope the regular place. Oh, here. We are back here again.

Okay.

So, until we get a permanent meeting place, ladies and gentlemen, just bear with us. Okay? If nothing, meeting adjourned.

(Adjourned, 9:54 a.m.)

CERTIFICATION

I, KATHERINE EISMANN, CSR 439 in and for the State

of Hawaii, do hereby certify:

That the proceedings were taken by me in machine shorthand and were thereafter reduced to print under my supervision by means of computer-assisted transcription; that the foregoing represents, to the best of my ability, a true and correct transcript of the proceedings had in the foregoing matter.

I further certify that I am not an attorney for any of the parties hereto, nor in any way interested in the outcome of the cause named in the caption.

Dated this 7th day of July 2006.

Katherine Eismann, CSR 439

