

WATER RESOURCES COMMITTEE

Council of the County of Maui

Meeting Agenda

February 2, 2006

9:00 a.m.

Council Chamber, 8th Floor

200 South High Street, Wailuku, Hawaii

website: <http://www.co.maui.hi.us/committees/WR/>

e-mail: wr.committee@mauicounty.us

COMMITTEE MEMBERS

Michelle Anderson, Chair

Charmaine Tavares, Vice-Chair

Robert Carroll

Jo Anne Johnson

Dain P. Kane

Michael J. Molina

Joseph Pontanilla

AGENDA ITEMS ARE SUBJECT TO CANCELLATION. For a confirmation of the meeting date and time, and for tentative scheduling of agenda items, please contact the Committee Staff (David Raatz or Pauline Martins) at: Office of Council Services, 200 South High Street, Wailuku, HI 96793, 808-270-7838, 1-800-272-0026 (toll-free from Molokai), 1-800-272-0098 (toll-free from Lanai), 808-270-7686 (fax).

ORAL OR WRITTEN TESTIMONY on any agenda item will be accepted. If written testimony is submitted at the meeting, 16 copies are requested. If written testimony is e-mailed or faxed, please submit at least 24 hours before the meeting so that copies can be provided to Council members in a timely manner.

INDIVIDUALS WHO INTEND TO ATTEND THE MEETING AND WHO HAVE DISABILITIES REQUIRING SPECIAL ASSISTANCE should call the Office of Council Services at least three days in advance.

DOCUMENTS ON FILE WITH THE COMMITTEE, which may include correspondence relating to the agenda items below, may be inspected prior to the meeting date. Photocopies may be ordered, subject to charges imposed by law (Maui County Code, Sec. 2.64.010). Please contact the Office of Council Services to make arrangements for inspection or photocopying of documents.

TO LEARN MORE ABOUT COUNCIL-RELATED ISSUES, tune in to Akaku: Maui Community Television.

WR-16 DEVELOPMENT OF NEW SOURCES OF WATER

- DESCRIPTION:** The Committee is in receipt of the following:
1. County Communication No. 05-319, from the Council Chair, relating to the development of new sources of water.
 2. Correspondence dated January 25, 2006, from the Committee Chair, relating to: (a) the County's settlement with Earthjustice and the Office of Hawaiian Affairs regarding the 'Iao aquifer and the State Commission on Water Resource Management; and (2) the County's possible purchase of water systems and related property from Wailuku Water Company.
- STATUS:** The Committee may consider policy and legal issues relating to new sources of water. The Committee may also consider the filing of County Communication No. 05-319 and other related action.
- NOTE:** With reference to this agenda item, one or more executive meetings are anticipated to consult with legal counsel on questions and issues pertaining to the powers, duties, privileges, immunities, and liabilities of the County, the Council, and the Committee, pursuant to Section 92 5(a)(4), Hawaii Revised Statutes (HRS), and to deliberate concerning the authority of persons designated to negotiate the acquisition of public property, pursuant to Section 92 5(a)(3), HRS.

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WR-13 PROHIBITING DEVELOPMENT PROJECTS WITHOUT A LONG-TERM RELIABLE SOURCE OF WATER

DESCRIPTION: The Committee is in receipt of County Communication No. 05-271, from Councilmember Dain P. Kane, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 18.04.020, MAUI COUNTY CODE, RELATING TO GENERAL PROVISIONS". The purpose of the proposed bill is to prohibit development projects without a long-term reliable source of water.

STATUS: The Committee may consider whether to recommend passage of the proposed bill on first reading, with or without revisions. The Committee may also consider the filing of County Communication No. 05-271 and other related action.

WR-14 WATER-CONSERVATION PLAN

DESCRIPTION: The Committee is in receipt of the following:

1. County Communication No. 05-273, from Councilmember Dain P. Kane, transmitting a draft bill to establish the County's water-conservation policies.
2. Correspondence dated January 26, 2006, from the Committee Chair, requesting that the Corporation Counsel review and approve a draft bill entitled "A BILL FOR AN ORDINANCE RELATING TO A WATER-CONSERVATION PLAN". The purpose of the draft bill is to establish the County's water-conservation policies. The draft bill incorporates minor technical revisions to the draft bill transmitted by County Communication No. 05-273.

STATUS: The Committee may consider whether to recommend passage of the draft bill on first reading, with or without revisions. The Committee may also consider the filing of County Communication No. 05-273 and other related action.

WR-1 WATER SUPPLY RULES

DESCRIPTION: The Committee is in receipt of the following:

1. County Communication No. 05-46, from Councilmember Michelle Anderson, relating to Water Supply Rules.
2. Correspondence dated February 9, 2005, from the Chair of the Committee, transmitting a document entitled "Rules and Regulations of the Department of Water Supply" <<http://www.mauiwater.org/rules.html>>.
3. Correspondence dated August 10, 2005, from the Chair of the Committee, transmitting a draft bill entitled "A BILL FOR AN ORDINANCE RELATING TO THE DUTIES OF THE BOARD OF WATER SUPPLY". The purpose of the draft bill is to establish the Board of Water Supply's duties to promulgate rules and to hear appeals.

STATUS: The Committee may consider whether to recommend passage of the draft bill on first reading, with or without revisions. In addition, the Committee may review the Rules and Regulations of the Department of Water Supply, including those relating to Upcountry water meters. The Committee may also consider the filing of County Communication No. 05-46 and other related action.

NOTE: With reference to this agenda item, one or more executive meetings pursuant to Section 92-5(a)(4), Hawaii Revised Statutes, are anticipated to consult with legal counsel on questions and issues pertaining to the powers, duties, privileges, immunities, and liabilities of the County, the Council, and the Committee.

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SPECIAL COUNSEL FOR WATER-RELATED MATTERS

DESCRIPTION:

The Committee is in receipt of the following:

1. County Communication No. 05-42, from Councilmember Michelle Anderson, transmitting copies of Resolution No. 03-146, Resolution No. 04-13, and Resolution No. 04-122, all pertaining to the employment of special counsel for water-related matters.
2. Correspondence dated July 25, 2005, from the Chair of the Committee, requesting that the Corporation Counsel provide advice on whether the Council may continue maintaining the report, entitled "Maui Water Issues and Recommendations Regarding Questions Presented in Resolution 03-146", as a confidential document; if so, requesting the justification for maintaining its confidentiality; and asking how the Council can waive the attorney-client privilege to make the document available to the public.

STATUS:

The Committee may discuss the matter. The Committee may also consider the filing of County Communication No. 05-42 and other related action.

NOTE:

With reference to this agenda item, one or more executive meetings pursuant to Section 92-5(a)(4), Hawaii Revised Statutes, are anticipated to consult with legal counsel on questions and issues pertaining to the powers, duties, privileges, immunities, and liabilities of the County, the Council, and the Committee.