

WATER RESOURCES COMMITTEE

Council of the County of Maui

Meeting Agenda

August 30, 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.

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WATER USE AND DEVELOPMENT PLAN

DESCRIPTION:

The Committee is in receipt of the following:

1. County Communication No. 05-38, from Councilmember Michelle Anderson, relating to the Water Use and Development Plan required by Chapter 2.88A, Maui County Code, and Chapter 174C, Hawaii Revised Statutes (State Water Code).
2. Correspondence dated June 21, 2006, from the Chair of the Committee, transmitting a revised draft bill entitled "A BILL FOR AN ORDINANCE REQUIRING COUNCIL APPROVAL OF WATER SOURCE DEVELOPMENT AGREEMENTS WITH PRIVATE ENTITIES TO DEVELOP WATER RESOURCES". The purpose of the revised draft bill is to require Council approval of water source development agreements with private entities to develop water resources.

STATUS:

The Committee may receive an update from the Department of Water Supply regarding ongoing water resource projects. In addition, the Committee may review the status of the following Fiscal Year 2007 Budget proviso: "Water Resources and Planning Program - General Fund \$250,000 - (1) Provided, that an Independent contractor for Project Management of the Countywide Water Use and

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Development Plan be contracted to accelerate its completion within two years. Contractor shall provide quarterly status reports to the Council.” The Committee may also consider whether to recommend passage of the revised draft bill on first reading, with or without further revisions. The Committee may also consider the filing of County Communication No. 05-38 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); to deliberate concerning the authority of persons designated to negotiate the acquisition of public property, pursuant to Section 92-5(a)(3), HRS; and to deliberate upon a matter that requires the consideration of information that must be kept confidential pursuant to a State or Federal law, or a court order, pursuant to Section 92-5(a)(8), HRS.

WR-22**HAMAKUAPOKO WELLS**

DESCRIPTION: The Committee is in receipt of the following:

1. County Communication No. 05-356, from Councilmember Michelle Anderson, relating to the Hamakuapoko Wells (located in the Paia-Haiku Community Plan Area).
2. Resolution No. 06-39, entitled “URGING THE DEPARTMENT OF WATER SUPPLY TO DISCONTINUE PLANS TO USE THE HAMAKUAPOKO WELLS FOR DRINKING WATER”, adopted on April 21, 2006.

STATUS: The Committee may discuss the status of the Hamakuapoko Wells and review related documents. The Committee may also consider the filing of County Communication No. 05-356 and other related action.

WR-19**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 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 upon a matter that requires the consideration of information that must be kept confidential pursuant to a State or Federal law, or a court order, pursuant to Section 92-5(a)(8), HRS.

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 1, 2006, from the Department of the Corporation Counsel, transmitting a draft bill entitled "A BILL FOR AN ORDINANCE AMENDING TITLE 14, MAUI COUNTY CODE, RELATING TO PUBLIC SERVICES". The purpose of the draft bill is to establish the County Water Code in Article 1 in Title 14 of the Maui County Code.

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 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 upon a matter that requires the consideration of information that must be kept confidential pursuant to a State or Federal law, or a court order, pursuant to Section 92-5(a)(8), HRS.