

COUNCIL OF THE COUNTY OF MAUI
WATER RESOURCES COMMITTEE

April 21, 2006

**Committee
Report No.**

_____ 06-60

Honorable Chair and Members
of the County Council
County of Maui
Wailuku, Maui, Hawaii

Chair and Members:

Your Water Resources Committee, having met on November 2, 2005, February 2, 2006, and March 15, 2006, makes reference to County Communication No. 05-273, from Councilmember Dain P. Kane, transmitting 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.

Your Committee notes that the draft bill would require: (1) the Board of Water Supply (BWS) to transmit to the Council proposed elements of a water conservation plan; (2) the Council to then enact a water conservation plan by ordinance; and (3) the BWS to periodically review and comment on the water conservation plan's effectiveness.

By correspondence dated October 28, 2005, the Chair of your Committee requested that the Department of the Corporation Counsel review and approve the draft bill as to form and legality.

At its meeting of November 2, 2005, your Committee met with the Director of Water Supply; the Planning Program Manager, Planning Division, Department of Water Supply; and a Deputy Corporation Counsel.

Your Committee received written testimony in support of the draft bill from Earthjustice and the Office of Hawaiian Affairs.

Your Committee received public testimony in support of the draft bill from a representative of Earthjustice, who stated that requirement of a water use conservation plan is essential because Maui County's water supplies are overtaxed. The Chair of the BWS also provided comments on the draft bill.

Your Committee deferred consideration of the matter pending further discussion.

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By correspondence dated January 25, 2006, Councilmember Michael J. Molina transmitted a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING TITLE 20, MAUI COUNTY CODE, RELATING TO WATER CONSERVATION". The purposes of the proposed bill are to generally restrict the use of water for landscaping or vegetation purposes during daylight hours; to prohibit the use of water that causes water to flow onto streets or sidewalks; and to generally prohibit the installation of automatic sprinkler systems that lack automated shut-off capabilities.

By correspondence dated January 26, 2006, the Chair of your Committee requested that the Department of the Corporation Counsel review and approve the draft bill, entitled "A BILL FOR AN ORDINANCE RELATING TO A WATER-CONSERVATION PLAN", as to form and legality.

By correspondence dated January 31, 2006, the Department of the Corporation Counsel transmitted a proposed bill, entitled "A BILL FOR AN ORDINANCE AMENDING TITLE 14, MAUI COUNTY CODE, RELATING TO A WATER CONSERVATION PLAN", incorporating technical revisions to the draft bill transmitted by County Communication No. 05-273.

At its meeting of February 2, 2006, your Committee met with the Director of Water Supply and a Deputy Corporation Counsel.

There was no public testimony.

Your Committee reviewed the proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING TITLE 14, MAUI COUNTY CODE, RELATING TO A WATER CONSERVATION PLAN" and noted that the proposed bill's purposes is to establish the County's water conservation policies. Your Committee further noted that the BWS is the Council's advisor in all matters concerning the County's water system, pursuant to Section 8-11.3, Revised Charter of the County of Maui (1983), as amended. Therefore, your Committee observed that it may be appropriate to allow the BWS the opportunity to comment on the proposed bill.

Your Committee deferred consideration of the matter pending further discussion.

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By correspondence dated February 8, 2006, the Chair of your Committee requested that the BWS review and comment on the proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING TITLE 14, MAUI COUNTY CODE, RELATING TO A WATER CONSERVATION PLAN".

At its meeting of March 15, 2006, your Committee met with the Director of Water Supply and a Deputy Corporation Counsel.

There was no public testimony.

The Director of Water Supply noted that the proposed bill, entitled "A BILL FOR AN ORDINANCE AMENDING TITLE 14, MAUI COUNTY CODE, RELATING TO A WATER CONSERVATION PLAN", would require the BWS to transmit to the Council proposed elements of a water conservation plan within 180 days of the new ordinance's effective date. He questioned whether that was sufficient time.

Your Committee noted the importance of establishing a water conservation plan. Your Committee also expressed its willingness to work collaboratively with both the Department of Water Supply and the BWS to achieve that objective.

Your Committee voted to incorporate technical revisions to the proposed bill to provide that the deadline for the BWS to transmit to the Council proposed elements of a water conservation plan shall be January 5, 2007.

Your Committee voted to recommend passage of the revised proposed bill.

Your Committee also suggested that it would be beneficial for the BWS to review the proposed bill, entitled "A BILL FOR AN ORDINANCE AMENDING TITLE 20, MAUI COUNTY CODE, RELATING TO WATER CONSERVATION", transmitted by correspondence dated January 25, 2006, from Councilmember Michael J. Molina, and the minutes of your Committee's meeting of March 15, 2006. The Chair of your Committee stated her intention to transmit those documents to the BWS. Your Committee noted that the proposed bill submitted by Councilmember Molina provides a list of conservation measures that could be used as a starting point for the BWS as it considers proposing a water conservation plan.

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Your Committee is in receipt of a revised proposed bill from the Department of the Corporation Counsel, entitled "A BILL FOR AN ORDINANCE AMENDING TITLE 14, MAUI COUNTY CODE, RELATING TO A WATER CONSERVATION PLAN", incorporating your Committee's revisions.

Your Water Resources Committee RECOMMENDS that Bill No. _____ (2006), attached hereto, entitled "A BILL FOR AN ORDINANCE AMENDING TITLE 14, MAUI COUNTY CODE, RELATING TO A WATER CONSERVATION PLAN", be PASSED ON FIRST READING and be ORDERED TO PRINT.

Adoption of this report is respectfully requested.

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