

# MINUTES

## WATER RESOURCES COMMITTEE

Council of the County of Maui

Council Chamber

July 5, 2006

**CONVENE:** 9:04 a.m.

**PRESENT:** Councilmember Michelle Anderson, Chair  
Councilmember Charmaine Tavares, Vice-Chair  
Councilmember Robert Carroll, Member (excused from 10:43 to 10:45 a.m.)  
Councilmember Jo Anne Johnson, Member (arr. at 9:33 a.m.)  
Councilmember Dain P. Kane, Member (left at 11:05 a.m.)  
Councilmember Michael J. Molina, Member (left at 10:28 a.m.)  
Councilmember Joseph Pontanilla, Member

**STAFF:** David Raatz, Legislative Attorney  
Pauline Martins, Committee Secretary

**ADMIN.:** Edward Kushi, Jr., Deputy Corporation Counsel, Department of the Corporation  
Counsel  
George Tengan, Director, Department of Water Supply  
Ellen Kraftsow, Planning Program Manager, Planning Division, Department of  
Water Supply

**OTHERS:** Jeffrey Pearson  
Plus (3) other people

**PRESS:** *Akaku--Maui County Community Television, Inc.*

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CHAIR ANDERSON: Good morning, Members. Thank you for being here after a four-day weekend. The July 5<sup>th</sup> Water Resources Committee meeting is now in session. We have with us this morning, Vice-Chairman Charmaine Tavares, Members Joe Pontanilla, Mike Molina, Dain Kane, and Bob Carroll. Member Johnson will be here shortly. Thank you, Members. Hope you all had a good Fourth of July and a nice four days off. From Staff, this morning, we have--actually, from the Administration, we have Water Supply Director George Tengan; Corporation Counsel Ed Kushi; and from our Staff, we have Analyst David Raatz and Pauline Martins. We have two items on our agenda this morning, Members.

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On Item No. 4, Water Use and Development Plan, we will be continuing the discussion we had last time on the ongoing projects and I anticipate us going into executive session after we have testimony this morning, so we can make sure that we have time to cover all the ongoing projects . . . or rather, those projects that are currently being negotiated. We also have a bill for an ordinance that requires Council approval for contracts to develop water resources, and I'm hoping that we'll have time to discuss that.

On WR-1, under Water Supply Rules, we do have an amendment that deals with contaminated water sources and in your binder, I have forwarded a revised amendment that takes out Molokai and Lanai and clarifies what is considered "contaminated". We will discuss that when we get into it. So . . . um . . . if there's any . . . not any questions, at this moment, about our agenda, I'll open it up for public testimony. Do we have anyone to testify, Pauline?

MS. MARTINS: No.

CHAIR ANDERSON: Well, that takes care of that. . . . (*chuckled*) . . .

**WR-4 WATER USE AND DEVELOPMENT PLAN (C.C. No. 05-38)**

CHAIR ANDERSON: Members, do you have any questions before we go into executive session? We did go over those items that the Water Department is currently pursuing that . . . um . . . we could discuss in open session. I don't think we had much time at the last meeting to entertain any questions on that. So if you would like, we could postpone any questions on that until after we have executive session; and then when we come back out, those things that we can openly discuss, we'll spend some time on that. Any questions, Members? Okay then . . . um . . . if not, let's take a recess and set up for executive session. Mr. Tengan, will you be prepared to go through the list that we went through last time?

MR. TENGAN: Uh . . .

CHAIR ANDERSON: I can give you a copy of it if you don't have it.

COUNCILMEMBER KANE: Madam Chair? I'm sorry.

CHAIR ANDERSON: Just a second, Mr. Kane. Mr. Tengan, did you have a comment on that question?

MR. TENGAN: Madam Chair, is this the October 17, 2005 list that we sent up?

CHAIR ANDERSON: Actually, it's the handout that Ellen gave us at the last meeting, Mr. Tengan. I thought we should just go with what we've been working off of. And if . . . if you don't have a copy of it, I'll make sure you've got one when we get into executive session. Mr. Kane?

COUNCILMEMBER KANE: Hi, Madam Chair. We're supposed to take a vote to go into executive session.

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CHAIR ANDERSON: Right. I was gonna cite all that. Thank you.

COUNCILMEMBER KANE: Also, if we can be clear to the public what we're going into executive session for, I mean as far as setting parameters as to our discussion.

CHAIR ANDERSON: Right.

COUNCILMEMBER KANE: Thank you.

CHAIR ANDERSON: The reason that we're going into executive session, to be very specific, is that there are water development agreements that the County is currently negotiating with private developers and we want to get an update on the status of all that. So . . . um . . . that's why we need to go into executive session because we don't want to speak about negotiations in public. Members, this is the handout that was passed out at the last meeting by Ellen Kraftsow and it should be under the Water Use and Development Plan (Item No. 4). Is that correct, Pauline?

MS. MARTINS: Yes.

CHAIR ANDERSON: This handout was . . . it was handed out at the meeting, Members, so it didn't get holes punched in it. So . . .

MS. MARTINS: It's in the binders.

CHAIR ANDERSON: Pauline has since put it in your binder. So I'm going to go ahead and site . . . um . . . Section 92-5(a), Section 4 of Hawaii Revised Statutes (HRS) . . . um . . . we will be going into executive session to consult with our 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 that section and to deliberate concerning the authority of persons designated to negotiate the acquisition of public property, pursuant to Section 92-5(a), Section 3, HRS. Can I have a motion for executive session?

COUNCILMEMBER CARROLL: So moved.

COUNCILMEMBER MOLINA: Second.

CHAIR ANDERSON: Thank you, Members. We have a motion to go into executive session, seconded by Mike Molina. All those in favor, please say "aye".

COUNCIL MEMBERS VOICED AYE.

CHAIR ANDERSON: Opposed?

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**VOTE: AYES: Councilmembers Carroll, Kane, Molina, and Pontanilla, Vice-Chair Tavares, and Chair Anderson.**

**NOES: None.**

**ABSTAIN: None.**

**ABSENT: None.**

**EXC.: Councilmember Johnson.**

**MOTION CARRIED.**

**ACTION: EXECUTIVE SESSION.**

CHAIR ANDERSON: Okay, thank you. Members, we're going to go into recess now and set up for executive session.

**RECESS: 9:11 a.m.**

***(THE WATER RESOURCES COMMITTEE MEETING ENTERED INTO EXECUTIVE SESSION AT 9:16 A.M. AND ENDED AT 11:45 A.M.)***

**RECONVENE: 1147 a.m.**

CHAIR ANDERSON: Thank you, Members, for that extended executive session.

**WR-4 WATER USE AND DEVELOPMENT PLAN (C.C. No. 05-38)**

CHAIR ANDERSON: I think we got up to date on what the Administration's negotiating and we appreciate the Department being forthright and telling us what their plans are. Unfortunately, it took most of our meeting time but I think it was very necessary for us all to get on the same page in the direction the County is heading in water source development. So . . . um . . . I'm going to ask, with no objection, that we defer the rest of our agenda since we really don't have time to get into any of this, and we will adjourn our meeting for today. With no objections, Members?

**COUNCIL MEMBERS VOICED NO OBJECTIONS. (PRESENT: ANDERSON, CARROLL, JOHNSON, PONTANILLA, AND TAVARES)**

**ACTION: DEFER.**

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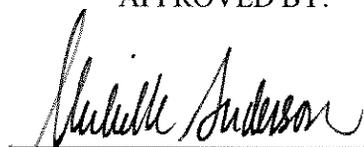
**WR-1 WATER SUPPLY RULES (C.C. No. 05-46)**

**ACTION: DEFER.**

CHAIR ANDERSON: Thank you so much for your attendance. The meeting of July 5<sup>th</sup>, Water Resources Committee, is now adjourned.

**ADJOURN: 11:49 a.m.**

APPROVED BY:



MICHELLE ANDERSON, Chair  
Water Resources Committee

wr:min:060705

Transcribed by: Pauline Martins