

**WATER RESOURCES COMMITTEE**  
Council of the County of Maui

**MINUTES**

**June 18, 2003**

**Council Chamber**

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

**PRESENT:** Councilmember Danny A. Mateo, Chair  
Councilmember Charmaine Tavares, Vice-Chair  
Councilmember Robert Carroll, Member  
Councilmember G. Riki Hokama, Member  
Councilmember Dain P. Kane, Member  
Councilmember Michael J. Molina, Member  
Councilmember Wayne K. Nishiki, Member  
Councilmember Joseph Pontanilla, Member

**EXCUSED:** Councilmember Jo Anne Johnson, Member

**STAFF:** Carla M. Nakata, Legislative Attorney  
David M. Raatz, Legislative Attorney  
Tammy M. Frias, Committee Secretary

**ADMIN.:** Edward S. Kushi, Jr., Deputy Corporation Counsel, Department of the  
Corporation Counsel  
George Tengan, Director, Department of Water Supply

**OTHERS:** **Item 12:** Haunani Lemn, President, Waiolani Elua, Inc.

**PRESS:** None.

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**CHAIR MATEO:** . . .(*gavel*). . . Meeting of the Water Resources Committee for June 18, 2003  
is called to order. Good morning, Members.

**COUNCIL MEMBERS:** Good morning.

**CHAIR MATEO:** Present this morning, Committee Members Carroll, Hokama, Kane, Molina,  
Nishiki, Pontanilla and Tavares; excused is Member Johnson. Also with us this  
morning, the Director of Water Supply George Tengan; Corporation Counsel Ed Kushi,  
Jr.; and our Committee Staff Carla Nakata and David Raatz, along with our Secretary

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Tammy Frias. Is there anyone. . . Tammy, anybody signed up for testimony this morning?

MS. FRIAS: No, Mr. Chair.

CHAIR MATEO: Thank you. Since we have no one signed up to, to testify, at this time the Chair will close testimony if there's no objections by Members.

COUNCIL MEMBERS: No objections.

CHAIR MATEO: Thank you. Thank you. Members, this morning we have two items on our agenda, both items relate to dedication of waterline easements to the County. And as you all know at the last round of the Charter amendments, it, it removed the Board of Water Supply as authority to acquire property in its name and the. . . under the County Code the Council is now authorized to accept interest in real property by the passage of a resolution approved by the majority of its Members.

**ITEM NO. 11: DEDICATION OF WATERLINE EASEMENTS FOR THE WAIOLANI ELUA SUBDIVISION, WAIKAPU (C.C. No. 03-153)**

CHAIR MATEO: Members, we're going to go ahead and proceed with the first item on the agenda, Water Resources 11, the dedication of waterline easements for the Waiolani Elua Subdivision in Waikapu, and at this time I'd like to ask Mr. Kushi for your comments on, on this item.

MR. KUSHI: Yes. Thank you, Mr. Chair, Members. This involves an. . . a subdivision as, as part of the subdivision requirements for the Department of Water Supply. . . the. . . where our lines go through private property easements, perpetual nonexclusive easements are required. For this one, the easement document you had before you, in essence, the easement area is. . . it's like a sliver, it's about 1,900 square feet and this project is by the. . . new project by H'Piilani. . . Waikapu, H'Piilani and Waiko Road, Wailuku side of that. The developers are Haunani Lemn and Scott Nunokawa.

On, on this matter, Members and Mr. Chair, our Office would request that you defer it for, for two reasons. . . basically one reason. The easement itself that's before you, we have approved and I believe your Council Staff has concurred. However, in this project there is an existing easement on record already. Before the current developers owned the property, C. Brewer or Wailuku Agri. . . , Agribusiness did a large lot subdivision back in, I believe, it's '83. They did convey an easement over this current easement to the County for utility and water supply purposes. So what we need to do, and we apologize for not having this before you now, is to cancel that existing easement and then have

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you accept this current easement. The existing easement is really a roadway and, and it covers this area, but it also is wider than this area. So we need to cancel that because if not there will be a remnant, remnant parcels on either side of this easement. So we would suggest that you defer this matter. At your next Committee meeting we would submit another resolution canceling the first easement and then accepting this one. One more correction. On the resolution, it says accepting dedication of waterline easements, plural. That would have to be struck to singular. Excuse my voice, Mr. Chair, I had a hard night last night.

COUNCIL MEMBERS: . . .*(chuckle)*. . .

CHAIR MATEO: Thank, thank you, Mr. Kushi. Members, are there--that's no excuse--Members, are there. . .*(chuckle)*. . .

COUNCIL MEMBERS: . . .*(chuckle)*. . .

COUNCILMEMBER HOKAMA: Chairman.

CHAIR MATEO: . . .Members, are there any questions? . . .Mr. Hokama.

COUNCILMEMBER HOKAMA: Normally the . . .do easements, once accepted by the County, transfer regardless of property ownership?

CHAIR MATEO: Mr. Kushi.

MR. KUSHI: Once the developer conveys an easement. . .it's a perpetual nonexclusive, so it stays with the County no matter who owns the property.

COUNCILMEMBER HOKAMA: So we currently have an easement that's under the County's jurisdiction and we just need to. . . No, I'm just trying to understand if, you know, there's other ways of accomplishing what you want to do since we are in control. We, we do not have title, is that correct? We just have control, but we don't have title?

MR. KUSHI: We don't, do not have fee simple title.

COUNCILMEMBER HOKAMA: Okay. Okay. That's okay, Chairman. I just thought maybe there was another way to approach this.

CHAIR MATEO: Thank you. Members, any, any additional questions?

COUNCILMEMBER KANE: Chair's recommendation?

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CHAIR MATEO: Thank you. Thank you, Mr. Kane. The Chair would ask, first of all, Corp. Counsel to, to have the documents necessary to terminate the existing agreement prepared and transmitted to the Committee for, for consideration. Therefore, the Chair would request a deferral or recommend a deferral of this item.

COUNCIL MEMBERS: No objections.

**COUNCIL MEMBERS VOICED NO OBJECTIONS (Excused: JAJ).**

CHAIR MATEO: Thank you very much. We're going to go ahead and defer. Mr. Kushi.

**ACTION: DEFER pending further discussion.**

MR. KUSHI: Mr. Chair, point of clarification. We will transmit the resolution directly to this Committee, not to the full Council? Is that. . .satisfactory?

CHAIR MATEO: Yes.

COUNCILMEMBER KANE: That's fine.

CHAIR MATEO: Yes.

MR. KUSHI: Okay. Thank you.

**ITEM NO. 12: DEDICATION OF WATERLINE EASEMENTS FOR THE KILOHANA HEMA SUBDIVISION, KIHEI (C.C. No. 03-154)**

CHAIR MATEO: Thank you. Moving on to the second item on the agenda. . .um. . .Water Resources 12. This is a proposed resolution relating to six waterline easements for the Kilohana Hema Subdivision in Kihei. Mr. Tengan, any comments on this item?

MR. TENGAN: Mr. Chair, I'll defer to Corp. Counsel again.

CHAIR MATEO: Thank you very much. Mr. Kushi.

MR. KUSHI: Thank you, Mr. Chair, Members. Again, this is another subdivision, a little bigger one, in Kihei. There's six different easements. As you noted on the sketch, some are kind of slivers going in an out of the property, but they're all separate, surveyed out. . .subdivided easements. Your Staff has reviewed these documents and I believe we're in concert that it's ready for the Council's action. There is one omission in the first



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CHAIR MATEO: And at this particular point are there any questions or comments or announcements you'd like to make. Hearing none--

COUNCILMEMBER KANE: Record time.

CHAIR MATEO: --Members, thank you very much for being here this morning, and my apologies to all of you for a real light agenda. I look forward to a lot more work in the very near future. This meeting is adjourned. . . .(gavel). . .

**ADJOURN: 9:14 a.m.**

APPROVED:



DANNY A. MATEO, Chair  
Water Resources Committee

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Transcribed by: Tammy M. Frias