

COUNCIL OF THE COUNTY OF MAUI
WATER AND INFRASTRUCTURE
COMMITTEE

March 8, 2019

Committee
Report No. 19-29

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

Chair and Members:

Your Water and Infrastructure Committee, having met on February 11, 2019, makes reference to County Communication 18-416, from the Director of Water Supply, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 14.13.050, MAUI COUNTY CODE, RELATING TO DEADLINE FOR RESPONSE TO UPCOUNTRY WATER METER OFFER."

The purpose of the proposed bill is to extend the time applicants are given to reserve an allocation of water service from 30 to 60 days.

Your Committee notes the Council's Water Resources Committee (2017-2019 Council term) met on December 5, 2018.

By correspondence dated February 4, 2019, the Chair of your Committee transmitted a revised proposed bill to update the year of the bill from 2018 to 2019.

Your Committee notes that when an applicant is approved for new or additional water service, the applicant has 30 days from the date of notice to reserve an allocation of water service.

The Acting Director of Water Supply said the bill would give applicants more time to decide whether to accept water service. He said larger projects may require extensive decision-making analysis to determine whether water service should be accepted. He said there would still be situations where an applicant is up against the 60-day deadline or misses the deadline, but the extension to 60 days would help most applicants.

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The Deputy Corporation Counsel advised your Committee that Section 14.13.080, Maui County Code, authorizes the Director to waive or modify the provisions of Chapter 14.13 when not contrary to the public's health, safety, or welfare upon certain findings made by the Director. She said this Code provision could provide relief to certain applicants that cannot meet the 60-day deadline.

The Department of Water Supply Engineering Program Manager said the bill would not affect existing applicants because the last notices were sent in December; the 30-day deadline has already passed. She said the Department plans to send the next set of notices in March. If this bill is in effect by then, the applicants receiving notices in March would have 60 days to respond.

Your Committee voted 6-0 to recommend passage of the revised proposed bill on first reading and filing of the communication. Committee Chair Lee, Vice-Chair Paltin, and members Kama, Molina, Rawlins-Fernandez, and Sinenci voted "aye." Committee member Hokama was excused.

Your Water and Infrastructure Committee **RECOMMENDS** the following:

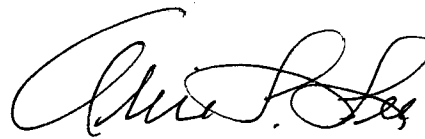
1. That Bill 19 (2019), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 14.13.050, MAUI COUNTY CODE, RELATING TO DEADLINE FOR RESPONSE TO UPCOUNTRY WATER METER OFFER," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 18-416 be FILED.

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This report is submitted in accordance with Rule 8 of the Rules of the Council.



ALICE L. LEE, Chair

wai:cr:19025aa:tntf

ORDINANCE NO. _____

BILL NO. _____ (2019)

A BILL FOR AN ORDINANCE AMENDING
SECTION 14.13.050, MAUI COUNTY CODE, RELATING TO
DEADLINE FOR RESPONSE TO UPCOUNTRY WATER METER OFFER

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Section 14.13.050, Maui County Code, is amended to read
as follows:

“14.13.050 Procedure for processing applications for water service from the priority list. A. When an applicant owning property on the priority list requesting new or additional water service is approved for such service, the applicant shall be notified in writing by certified mail, return receipt requested, at the address submitted on the application.

B. The applicant shall be given [thirty] sixty days from the date the certified mail was received by the applicant to complete and deliver to the department an application for water service or to reserve an allocation of water service in accordance with the department's established rules, regulations, and procedures.

C. Failure to respond or the return of an unsigned return receipt will be treated as a refusal of water service.”

SECTION 2. Material to be repealed is bracketed. New material is underscored. In printing this bill, the County Clerk need not include the brackets, the bracketed material, or the underscoring.

SECTION 3. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM
AND LEGALITY:



JENNIFER M.P.E. OANA
Deputy Corporation Counsel
County of Maui
2018-1174/2019-02-01 Ordinance