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COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

October 7, 2024

Mr. John Stufflebean, Director
Department of Water Supply
County of Maui
Wailuku, Hawaii 96793

Dear Mr. Stufflebean:

SUBJECT: BILL 130 (2024), AMENDING SECTION 14.07.090, MAUI COUNTY CODE, TO ALLOW THE DIRECTOR OF WATER SUPPLY TO ADMINISTRATIVELY EXTEND WATER METER RESERVATIONS IN LIMITED CIRCUMSTANCES (WAI-30)

At its meeting of October 21, 2024, the Water and Infrastructure Committee intends to discuss Bill 130 (2024), entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 14.07.090, MAUI COUNTY CODE, TO ALLOW THE DIRECTOR OF WATER SUPPLY TO ADMINISTRATIVELY EXTEND WATER METER RESERVATIONS IN LIMITED CIRCUMSTANCES BASED ON SPECIFIC FINDINGS." Bill 130's purpose is to administratively extend the five-year reservation limitation for a water meter based on specific criteria. A copy of Bill 130 is attached for your reference.

May I please request your written response to the following:

1. Proposed Subsection 14.07.090(C), Maui County Code, requires the applicant to request an extension. Does the Department recommend a timeframe within which the request must be made? If so, please state your preference.
2. In order to waive or modify the five-year time limitation, the Director of Water Supply must find all four specified criteria have been met. Please advise whether this is your Department's intention.

Mr. John Stufflebean
October 7, 2024
Page 2

3. Please explain the rationale for the retroactive date of July 1, 2019.
4. Please advise of any other proposed amendments on the bill you may wish the Committee to consider.

May I further request you transmit your response to wai.committee@mauicounty.us by **October 11, 2024**. To ensure efficient processing, please include the Committee item number in the subject line.

Should you have any questions, please contact me or the Committee staff (Jarret Pascual at ext. 7141, or Pauline Martins at ext. 8039).

Sincerely,



TOM COOK, Chair
Water and Infrastructure Committee

wai:ltr:030aws01:cmn

Attachment

cc: Mayor Richard T. Bissen, Jr.
Deputy Director of Water Supply

ORDINANCE NO. _____

BILL NO. 130 (2024)

A BILL FOR AN ORDINANCE AMENDING SECTION 14.07.090, MAUI COUNTY CODE, TO ALLOW THE DIRECTOR OF WATER SUPPLY TO ADMINISTRATIVELY EXTEND WATER METER RESERVATIONS IN LIMITED CIRCUMSTANCES BASED ON SPECIFIC FINDINGS

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

SECTION 1. This Ordinance's purpose is to allow the Department of Water Supply to administratively extend water meter reservations in limited circumstance based on specific findings warranting an extension.

SECTION 2. Section 14.07.090, Maui County Code, is amended to read as follows:

“14.07.090 Payment of water system development fee. A. Applicant ready for water service. The director [shall] must approve applications only upon payment of the water system development fee or application of credit for water service or additional water service, provided water source capacity is available at that time. Total payment for water service [shall] must be the water system development fee in effect at the time the meter is installed.

B. Applicant not ready for water service. Upon payment of a deposit equal to the water system development fee set forth in the annual budget ordinance by an applicant who, to the director's satisfaction, is unable to accept water service immediately, the department may reserve an allocation of water service source capacity available at that time. Total payment for water service will be the water system development fee in effect at the time the meter is installed. The duration of any such reservation [shall] may not exceed five years, provided water service source capacity is available[.], subject to subsection C below. The department and the applicant [shall] must agree in writing on the amount of any reserved allocation.

[If within five years, the applicant is not able to accept installation of water service, the application and the reservation of the allocation shall expire, the deposit paid by the applicant shall be

forfeited, and said deposit shall be applied to the water system development fee fund with no credit of any kind toward any future application.]

C. Waiver or modification. If an applicant with a reservation is unable to accept installation of water service after a period of five years, the reservation may be extended by the director, if requested by the applicant, if the director finds:

1. Strict application of the five-year reservation limitation would cause an absurd, unfair, or unreasonably harsh result to the applicants.

2. The applicant's circumstance or condition is exceptional, and the director would grant the same request if made by every similarly situated applicant.

3. Extension of the reservation expiration will be without detriment to existing users.

4. The applicant's construction plans for required water system improvements have been approved by the department and the applicant has completed significant construction on the water system improvements.

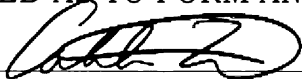
Such findings must be reduced to writing in a memorandum which will be maintained in the applicant's file.

D. Should the reservation and allocation expire, the deposit paid by the applicant must be forfeited, and said deposit must be applied to the water system development fee fund with no credit of any kind toward a future application."

SECTION 3. 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 4. This Ordinance, upon its approval, takes effect retroactive to July 1, 2019.

APPROVED AS TO FORM AND LEGALITY:

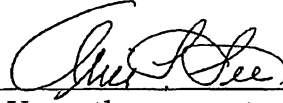


CALEB P. ROWE

Department of the Corporation Counsel
County of Maui

LF2024-0915
2024-07-02 Ord Amd Ch 14.07.docx

INTRODUCED BY:

A handwritten signature in cursive script, appearing to read "Mrs. Lee". The signature is written in black ink and is positioned above a horizontal line.

Upon the request of the Mayor.