

COUNCIL OF THE COUNTY OF MAUI

AGRICULTURE, DIVERSIFICATION, ENVIRONMENT, AND PUBLIC TRANSPORTATION COMMITTEE

June 23, 2023

**Committee
Report No.** _____

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

Chair and Members:

Your Agriculture, Diversification, Environment, and Public Transportation Committee, having met on June 8, 2023, makes reference to Bill 83 (2022) entitled “A BILL FOR AN ORDINANCE AMENDING TITLE 14, COUNTY WATER CODE, TO ESTABLISH A CATEGORY OF WATER RATES FOR AGRICULTURAL CONSUMERS ON LOTS WITH NO DWELLINGS.”

Bill 83’s purpose is to establish a category of water rates for nondwelling agricultural consumers so they may be charged agricultural water rates from the first gallon of use.

Your Committee notes that the Council’s Agriculture and Public Trust Committee (2021-2023 Council term) met on August 30, 2022.

Your Committee notes that lower rates for agricultural water are triggered after the first 15,000 gallons per month. Before meeting that threshold, agricultural users are charged the same rates as consumers in single-family dwellings.

Your Committee also notes that the Board of Water Supply is responsible for recommending “the establishment and adjustment of rates and charges for furnishing water” and the rate must be set in the annual budget ordinance.

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The Deputy Director of Water Supply confirmed that the Department will be able to identify the agricultural water users who do not have dwellings on their property.

Your Committee voted 6-0 to recommend passage of Bill 83 (2022) on first reading. Committee Chair Johnson, Vice-Chair Sinenci, and members Lee, Rawlins-Fernandez, Sugimura, and U‘u-Hodgins voted “aye.” Committee member Cook was excused.

Your Agriculture, Diversification, Environment, and Public Transportation Committee RECOMMENDS that Bill 83 (2022), attached hereto, entitled “A BILL FOR AN ORDINANCE AMENDING TITLE 14, COUNTY WATER CODE, TO ESTABLISH A CATEGORY OF WATER RATES FOR AGRICULTURAL CONSUMERS ON LOTS WITH NO DWELLINGS,” be PASSED ON FIRST READING and be ORDERED TO PRINT.

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



GABE JOHNSON, Chair

ORDINANCE NO. _____

BILL NO. 83 (2022)

A BILL FOR AN ORDINANCE AMENDING TITLE 14, COUNTY WATER CODE,
TO ESTABLISH A CATEGORY OF WATER RATES FOR
AGRICULTURAL CONSUMERS ON LOTS WITH NO DWELLINGS

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

SECTION 1. The Council finds that until usage surpasses 15,000 gallons per month, agricultural water consumers are charged at the same water rates as residential water consumers, in recognition of any household or non-agricultural water use by the agricultural water consumer, with the rates set in the annual budget ordinance. Lower rates for agricultural water are granted only after 15,000 gallons per month. The Council also finds that farms, ranches, and other agricultural operations on lots that contain no dwellings would have no household or general water consumption. Therefore, the Council finds that a category of “nondwelling agricultural consumers” should be established, so that agricultural water consumers on lots with no dwellings may be charged agricultural water rates from the first gallon of use.

SECTION 2. Section 14.01.040, Maui County Code, is amended by adding a new definition to be appropriately inserted and to read as follows:

“Nondwelling agricultural consumer” means an agricultural consumer on a premises that does not contain any dwellings as defined in title 19.”


SECTION 3. Section 14.10.010, Maui County Code, is amended by amending subsection A to read as follows:

“A. Water rates for agricultural, nonpotable agricultural, nondwelling agricultural, and general consumers [shall] must be set [forth] in the annual budget[.] ordinance.”

SECTION 4. 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 5. This Ordinance takes effect 180 days after approval.

APPROVED AS TO FORM AND LEGALITY:



JENNIFER M.P.E. OANA
Department of the Corporation Counsel
County of Maui
paf:pmg:22-012d
LF2022-0444
PAF 2022-012 2022-04-27 Ord Amd 14.10.010
Water service rates

INTRODUCED BY:

James M. J. [Signature]