

REQUEST FOR LEGAL SERVICES

D a t e: June 18, 2026
F r o m: Tom Cook, Chair
Water and Infrastructure Committee

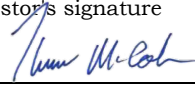
TRANSMITTAL

Memo to: DEPARTMENT OF THE CORPORATION COUNSEL
Attention: Caleb P. Rowe, Esq.

Subject: **BILL 1 (2026), AMENDING THE WATER AVAILABILITY POLICY ON SUBDIVISION CONSTRUCTION PLANS** (WAI-21)

Background Data: Please see attached proposed CD1 version of Bill 1 (2026). Please submit your response to wai.committee@mauicounty.us with a reference to WAI-21.

Work Requested: ☒ FOR APPROVAL AS TO FORM AND LEGALITY
☐ OTHER:

Requestor's signature  Tom Cook, Chair	Contact Person <u>Keone J. Hurdle or Carla M. Nakata</u> (Telephone Extension: <u>7659 or 5519, respectively</u>)
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☐ ROUTINE (WITHIN 15 WORKING DAYS) ☐ RUSH (WITHIN 5 WORKING DAYS)
☐ PRIORITY (WITHIN 10 WORKING DAYS) ☐ URGENT (WITHIN 3 WORKING DAYS)

☒ SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES): June 23, 2026, 12 noon
REASON: For possible posting on the June 30, 2026, WAI meeting agenda.

FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO:	ASSIGNMENT NO.	BY:
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TO REQUESTOR: ☐ APPROVED ☐ DISAPPROVED ☐ OTHER (SEE COMMENTS BELOW)
☐ RETURNING--PLEASE EXPAND AND PROVIDE DETAILS REGARDING ITEMS AS NOTED

COMMENTS (NOTE - THIS SECTION NOT TO BE USED FOR LEGAL ADVICE): _____

DEPARTMENT OF THE CORPORATION COUNSEL

Date _____

By _____

(Rev. 7/03)

wai:ltr:021acc03:kjh

Attachment

ORDINANCE NO. _____

BILL NO. 1, CD1 (2026)

A BILL FOR AN ORDINANCE AMENDING THE WATER AVAILABILITY POLICY
ON SUBDIVISION CONSTRUCTION PLANS

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

SECTION 1. The Council finds that the written verification of a long-term, reliable supply of water required by the County's Water Availability Policy remains critical to sound development in the County. While the requirement must be met before final approval of subdivision construction plans, the requirement should not create a barrier to timely review and processing of those plans. Accordingly, this Ordinance's purpose is to codify the policy decision that the written verification must not be allowed to delay the Director of Water Supply's review of and comments on subdivision construction plans. The verification requirement itself remains the same.

SECTION 2. Section 14.12.040, Maui County Code, is amended to read as follows:

"14.12.040 Written verification of long-term, reliable supply of water. A. No applicable subdivision [shall] may be approved[,] unless, prior to approval of subdivision construction plans [pursuant to] under section 18.20.180 [of this code], the director has provided written verification of [either]: [(1)]

1. a County water meter or water meter reservation;
or [(2)]

2. the receipt of an approved engineering report for a long-term, reliable supply of water for the subdivision.

B. Written verification of a long-term, reliable supply of water [shall] does not constitute an assurance, covenant, or

warranty by the County of water source from a private, non-County system.

C. The written verification of a long-term, reliable supply of water required by this section must not delay the director's review of and comments on subdivision construction plans, which may proceed concurrently with other departmental reviews and comments."

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.

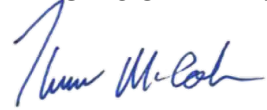
SECTION 4. This Ordinance takes effect on approval.

APPROVED AS TO FORM AND LEGALITY:

Department of the Corporation Counsel
County of Maui

wai:misc:021abill02

INTRODUCED BY:



TOM COOK