

WATER AND INFRASTRUCTURE COMMITTEE

Council of the County of Maui

MINUTES

December 17, 2025

Online Only via Teams

CONVENE: 9:06 a.m.

PRESENT: Councilmember Tom Cook, Chair
Councilmember Yuki Lei K. Sugimura, Vice-Chair
Councilmember Gabe Johnson, Member
Councilmember Alice L. Lee, Member (Out 10:30 a.m.)
Councilmember Tamara Paltin, Member
Councilmember Keani N.W. Rawlins-Fernandez, Member (Out 11:09 a.m.)
Councilmember Shane M. Sinenci, Member
Councilmember Nohelani U‘u-Hodgins, Member

STAFF: Keone Hurdle, Legislative Analyst
Jarret Pascual, Legislative Analyst
Carla Nakata, Legislative Attorney
Maria Leon, Committee Secretary
Lei Dinneen, Council Services Assistant Clerk
Ryan Martins, Council Ambassador

Residency Area Office:

Mavis Oliveira-Medeiros, Council Aide, East Maui Residency Area Office
Roxanne Morita, Council Aide, Lāna‘i Residency Area Office
Buddy Almeida, Council Aide, Makawao-Ha‘ikū-Pā‘ia Residency Area Office
Chaelin Ryu, Council Aide, South Maui Residency Area Office

ADMIN.: Caleb Rowe, Deputy Corporation Counsel, Department of the Corporation
Counsel
John Stufflebean, Director, Department of Water Supply
Eva Blumenstein, Planning Program Administrator, Department of Water
Supply

OTHERS: Resources
David Goode

Testifiers

Testifier 1 – His Highness Kuaa
Jasee Law
Kai Nishiki
Casey Lamb
Brendan Kennedy
Jim Langford

(25+) additional attendees

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PRESS: *Akakū: Maui Community Television, Inc.*

CHAIR COOK: *... (gavel) ...* Will the Water and Infrastructure Committee meeting of December 17th, 2025, please come in [sic] order. It is 9.06 a.m. May I ask all participants to silence any noisemaking equipment. I'm your Chair, Tom Cook. Members, per the Sunshine Law, please identify by name who, if anyone, is in the room, vehicle, or workplace with you today, exclusive of minors. I would also like the Department representatives who have joined online to please also turn on your cameras when it's your turn to speak. Now I'd like to introduce the Committee Members. Good morning, Committee Member Yuki Lei Sugimura.

VICE-CHAIR SUGIMURA: Good morning, Chair, and...good morning, Chair, and Merry Christmas.

CHAIR COOK: Okay. And aloha and good morning, Member Paltin.

COUNCILMEMBER PALTIN: Aloha kakahiaka kākou.

CHAIR COOK: You got the --

COUNCILMEMBER PALTIN: And Merry Christmas.

CHAIR COOK: And thanks for bringing the spirit. Good morning, Council Chair Alice Lee.

COUNCILMEMBER LEE: Good morning, Chair Cook. I'm home alone in my workspace, except I have my little three-month-old kitty with me. Her name is Jill No-Listen Lee.

CHAIR COOK: No-Listen Lee. *... (laughing) ...* Good morning, Member...Member...good morning, Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Aloha kakahiaka, Chair. Aloha kakahiaka kākou. I am in my work vehicle alone. There are currently no testifiers at the Moloka'i District Office. And it sounds like baby Jill takes after her mom. *... (laughing) ...*

COUNCILMEMBER LEE: *... (laughing) ...* She...she...

UNIDENTIFIED SPEAKERS: *... (laughing) ...*

CHAIR COOK: Good morning, Member Johnson, on Lāna'i. Aloha, and Merry Christmas.

COUNCILMEMBER JOHNSON: Aloha, and Merry Christmas to you and everyone else out there. I'm alone on my side of the office, and there's no testifiers here at Lāna'i District Office. Thank you.

CHAIR COOK: Good. And good morning, Member Nohe U'u-Lani...U'u-Hodgins.

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COUNCILMEMBER U'U-HODGINS: Good morning, Chair. Good morning, everyone. I'm alone in my car right now, and I will be joining you folks shortly.

CHAIR COOK: And good morning, aloha, Member Sinenci.

COUNCILMEMBER SINENCI: Hey, aloha kakahiaka, Chair. No testifiers in Hāna.

CHAIR COOK: And from the Department of Water Supply, I would like to welcome Director Stufflebean.

MR. STUFFLEBEAN: Good morning, Chair.

CHAIR COOK: And Planning Program Administrator, Eva Blumenstein.

MS. BLUMENSTEIN: Good morning, Chair, Members.

CHAIR COOK: And from our Corporation Counsel, Deputy Corporation Council, Caleb Rowe.

MR. ROWE: Good morning, Chair.

CHAIR COOK: From our OCS Committee Staff, our hardworking Staff, I want to thank and welcome Keone Hurdle, Jarret Pascual, Maria Leon, Carla Nakata, and Lei Dinneen. Please see the last page of the agenda for information on meeting connectivity. Good morning, everyone.

ITEM 18: BILL 158 (2025), ON WATER CONSERVATION AND CONTROL OF WATER USE DURING WATER SHORTAGES

CHAIR COOK: Today we have one item on today's agenda. WAI-18 relates to Water Conservation and the Control of Water Use During Water Shortages. Members, if there are no objections, I'd like to take testimony after receiving opening comments on WAI-18.

COUNCILMEMBERS: No objections.

CHAIR COOK: Thank you. Thank you, Members. Let's begin. Members, Bill 18...158 (2025), proposes to amend the Maui County Code to strengthen water conservation requirements and establish a comprehensive framework for managing water use during declared water shortages. Bill 158 repels [sic] the existing Chapter 14.06A and establishes a new Chapter 14.6...point 06B, which consolidates and updates water conservation policies, water shortage declarations, enforcement provisions, and best management practices. The bill also makes conforming amendments to the subdivision ordinance to ensure that the new developments incorporate water savings [sic] landscape design, irrigation, and conservation measures. Enforcement provisions are consolidated within Chapter 14.06B, including penalties, appeals, and service

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shutoff authority. The Committee transmitted written questions to the Department of Water Supply on Bill 158. Responses from the Department have been received, and are included on Granicus as items 4 and 7. The proposed CD1 version attached as Granicus number 10 clarifies definitions, updates outdoor watering schedules, strengthens leak detection and water waste provisions, and establishes staged water shortage response measures. The Department has a presentation, so without objections, we will take testimony after the presentation.

COUNCILMEMBERS: No objections.

CHAIR COOK: Director Stufflebean, you may begin.

MR. STUFFLEBEAN: Yeah, thank you, Chair. Yeah, we can bring up the slide presentation. And before I begin, I just wanted to say two quick things. One is that this is really the result of the work of one of our really good Staff members, Robert DeRobles. He worked hard on this, and I think did an excellent job in putting a lot of this together. And he was going to make this presentation. Unfortunately, he's in travel hell, and on an airplane somewhere, and couldn't call in. . . *(laughing)*. . . So...so, I'm doing the presentation for him. But he did some really good work. Secondly, I just wanted to mention that we did some public outreach a few months ago and on just...on general water issues. And certainly this, the water conservation and the...and the desire from the public to upgrade and strengthen our water conservation code was at the top of the list of comments we received from the public. So, this is really in...something that was in development, but it's also in line with what the community's telling us that they want us to do, and the Council as well. So, with that, I'll start. Next slide. Again, I'm going go quickly today, the purpose of the ordinance, the rationale for it, and then we'll get into the ordinance provisions and kind of a quick summary. And then water use statistics, what kind of our goals are in terms of water conservation. And then what we are...what we do, and plan to do even more in terms of community engagement to help the community to comply and to conserve water. And then talk about the alignment with our legal and policy requirements. Next slide. So, the purpose of the water conservation ordinance--it's kind of motherhood and apple pie, it's just really good things that we should be doing--is to protect Maui's obviously scarce and natural water resources, to make sure there's reasonable standards and restrictions. We want to make them stiff, but reasonable, to safeguard essential public services so that when we are in...when there's problems with the water supply, we're getting the best...you know, have water available for things that we absolutely need, to ensure sustainability, and to ensure public awareness of water conservation. A lot of the efforts that we do are just making sure that everyone understands the importance of water conservation and what they can do to be doing their part. And then to provide need-based water through conservation. Next slide. The rationale for the water conservation ordinance is pretty clear. You know, when we have droughts, and we tend to have more and longer droughts, obviously, there's less rainfall, so we need to conserve water as best we can. We are seeing some rising chloride levels in some of our wells, so we need to be cognizant of that. And we're also seeing decreasing stream flows as a result of the...of less rainfall and which...to our treatment facilities. There, of course, is additional growth, and we want to support especially affordable housing.

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One of our...it's our kind of our primary mission. It helps us offset capital costs. Any...any water that's saved through conservation means less...you know, that...that offsets, hopefully, some costs in terms of developing new sources. It's the cheapest option in terms of new water supply. And we want to make sure that there's clear guidance to the public about what our water conservation goals are and how to achieve them. We want to make sure we're consistent with all the State and County plans, and clearly define what is wasting water, what...what things people are doing that...that cause water to be wasted so they understand that. And then to help find equity in times of shortage. Next slide. Okay. In terms of our policy, next. So, according to the Hawai'i State Constitution, our policy statement includes protecting water in its natural state, making sure there's equity between the general public and the Hawaiian Home Land's water use, and also to use the precautionary principle to protect water, which means, obviously, do no harm, and...and be very conservative in terms of making sure that the water resources are protected. Next slide. Okay. Now the provisions, the actual...what's the beef of the provisions? It is...you know, Robert did a really great job of looking through all of these plans and making sure that what we're proposing is consistent with all these plans. I won't go through the list of them, but there's...there's State plans and County plans, and they all say a lot about water conservation. And so, we...we think what we have here is a...is a plan that is consistent and ties in very nicely with all these existing plans. Next slide. Okay. In terms of physical loss prevention, our...it's important to find and identify nonrevenue water losses. And that really gets down to leaks in our system and leaks in the private system. So, we want to prevent and reduce...make sure that in terms of private property owners, that they're repairing water leaks quickly. We're...basically the ordinance requires them to be repaired as quickly as possible, and no longer than 30 days. We also, in terms of providing information and guidance, you know, we say our role is investigating and repairing private property leaks. And then we have...we encourage people to have efficient irrigation systems that are centrally controlled. That they use soil moisture sensors so that they're not over-irrigating, they have auto shutoff valves to stop leaks and control irrigation; convert lawns to equally...equally pleasant, drought-resistant landscaping; use electric blowers to clean off outdoor debris, as opposed to obviously washing it all off with water; and replacing aging toilets, urinals, and irrigation systems; and using pool covers, which is a really important thing in terms of reducing evaporation from the pools. Next slide. In terms of agricultural customers, we're encouraging the best practices that...be...be used. That includes efficient irrigation, installing soil and rain sensors, using drip irrigation whenever feasible, catching the rain, which is really something we very strongly support, catchments. Managing the soil with amendments, using onsite water reuse whenever possible, and growing crops that...growing sustainable crops that are, you know, varieties that are sustainable in this situation in Maui. Next slide. Okay. So, here's some of the specific provisions. We are proposing that outdoor watering be prohibited between the hours of 9:00 a.m. and 5:00 p.m., with some exceptions, which we'll go into below. Mainly, that means no sprinklers...you know, no sprinklers between 9:00 and 5:00 p.m. because you lose so much of the water during the time of day when you have high evaporation. And then also, don't water when it's heavy rain...when it's raining, obviously, or when there's high winds. With the high wind, again, a lot of the water just doesn't get to where you want it to go. It just, you know,

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blows away. And then we're proposing that we have staggered days for landscaping irrigation. Basically, we're allowing it only every other day, depending on, you know, if you're on an even residential on Monday, Wednesday, Friday, odd residential, Tuesday, Thursday, Saturday, and so on. And so, this is a very effective method that many cities and counties use across the country to just reduce water consumption. Now, here's the exceptions. You can water between 9:00 and 5:00 if you're using hose watering with shutoff valve...drip irrigation, we always want to encourage that. Agricultural customers are not required to comply with this. And if you're using 100 percent recycled water, you can water anytime. And if it's newly installed landscapes--we understand that if you put something in that's new, you need to water it a little more often--so we...we'll make exception for that. Next slide. And then, what is...what is wasting water? Well, here's some of the specific definitions for wasting water. First of all, it's not regarding the best management practices, not using best practices. Removing yard waste debris with potable water, in other words, washing off your driveway with just your hose with potable water. Irrigating during heavy rains, that's a...that's a water waste. Neglecting leaks and overspray. Overwatering landscaping, and then exceeding the highest water rate tier. So, these are all what we consider to be just wasteful things that should be addressed. Next slide. And stop. Okay. Kind of things that can be corrected. Oh, if you have a sprinkler that's watering too much or not on target, you know, fix that. Don't water during the peak sun hours, as we discussed. Use irrigation...use drip irrigation whenever possible. Don't just have spray irrigation for plants and shrubs, that wastes a lot of water. Leaking irrigation systems should be fixed quickly. In terms of household water use, your outside irrigation is over half of the water use. So, that really is where they can make the major...major, yeah, improvements. Not applying the cycle and soak method. In other words, you don't want to over...have all the water at one time because you lose a lot of it. You want to have it watered, give a chance to relax, and water again. Using soaker hoses...you don't want to use soaker...you don't want to use...in sandy soil, you need to be...you need to be understanding of kind of what the soil conditions are. In sandy soils versus clay soils, you have a different watering schedule. Obviously, don't water during rain events, and replace inefficient fixtures and appliances. Next slide. Okay. Now, in terms of encouraging landscape planning to save water, this applies to existing and new commercial, residential, and public properties. The ordinance requires the installation of efficient irrigation systems, designing landscapes around water conservation. So, as you're putting your landscaping together, consider how that you could conserve water in that, in what you're proposing to install. Improve and replace water-intensive landscapes, reuse water whenever possible, and encourage pool covers. In the ordinance, actually, we're recommending that we not only encourage pool covers, but require them whenever the property is vacant or not used...or the pool is not used for more than 30...or the house is not used for more than 30 days. That we're saying that pools should be...pool covers should be required in those situations. Next slide. For commercial establishments where best practice would be to make sure that staff is trained to understand how to save water, that there are water conservation programs for the patrons, such as...for example, on hotels, make sure people have...have the option of not having their...their sheets and towels laundered every day, for example. Make reasonable operational improvements. And again, the big one, installing

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water-efficient indoor and outdoor fixtures, and ensuring efficient irrigation systems. Obviously, a lot of the hotels like to have, you know, a green environment, but they want to make sure...we want to make sure that they're watering that environment very efficiently. And then to install water-efficient HVA systems. So, these are all things that commercial establishments can do to make the most efficient use of water. Next slide. And so, we...our...our objective, of course, is everyone complies, and everyone understands, but we do have penalties for those who...who don't, especially those who are particularly egregious. And, you know, there's provisions in the ordinance about how that...get information to those who are in violation, and they can appeal their decision to the Water...the Water Board...the Board of Water Supply. Fines can be as much as \$1,000 per day if the violation is not corrected. We also, in ordinance, would have the option of shutting off their water, and even removing their meter if they really just refuse to comply, and it's particularly egregious. Again, it would not be our intention to use that very often, but it is a good...an important tool to have to make sure that people know that this is...this is serious. And then I'm...the Director is supposed to provide a report to the Council on actions taken regarding shortages and restrictions. Next slide. You can skip this one. Next slide. Now, in terms of some of the statistics on our water conservation goals, this is the water use, it's in gallons per person per day. And you can see, way to go, Moloka'i, you're at 114, you're doing a great job over there. And then the other ones are around the 200...221 in Lahaina, 198 Upcountry, 291 in Central. I would note that in Central, there is a pretty big difference between the Central area and South Maui. South Maui uses quite a bit more water in terms of gallons per person per day than Central Maui. So, next slide. So, then we've looked at each of these areas about what could be...you know, how much water could we save by...by these...implementing these conservation actions throughout the County. And it's...and it's a lot. You know, we estimate, you know, if we were using approximately 40 million gallons a day, we estimate we could potentially save as much as 10 million gallons a day over the next, you know, 20, 30 years. And it cost us to develop 1 million gallon...we currently use 40 million gallons a day. It cost us, the last million gallons per day we develop cost almost \$20 million. So, if you save 10 million gallons a day, that's...you know, that's 20...\$200 million that we'd be saving. So, we're talking about really significant financial savings to the Department and the County if we can...we can . . . *(inaudible)*. . . water. Now, we don't count on the water being saved until it's actually saved, right? Because that would be...that would not be good policy. So, yeah. . . *(laughing)*. . . But...but when we see it saved, then we can take advantage of that. Next slide. And then what do we do to help customers? What do we do in terms of outreach? Well, we're restarting the toilet replacement program, which they were doing years ago and it has been stopped, but we're going to get that going again. We already...we do the high-efficiency fixture giveaways. So, if you want a more efficient shower...shower fixture, you know, come see us. Now, we're going to restart the rain barrel program, which is very popular. And we do a lot of water conservation advertising to get the word out, and have a lot of resources online. We also do public outreach events, which are very popular. And we have our annual poster and video contest, which is one of the...the favorite days of the year when you get to see all the great creativity that our kids have in terms of putting together their posters and videos. And then we're now starting the process of engaging with hotels and resorts and condominium associations to help them understand what

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the best practice is in terms of water conservation. We've just selected a consultant to help us with this, and we're kicking that off. We're all...just...and just so you know, we're not only doing it in the County system, we're also inviting the hotels that are in the...that are served by private water companies to participate. We think if they all get together, maybe we'll get a little peer pressure going, get them...encourage them to really be efficient in how they use their water. Next slide. Other initiatives. You know, we...we do do an annual water audit to kind of make sure that we understand where we are in terms of kind of on the supply side. We also have leak detection. We're actually looking at something kind of interesting, which is water meters that provide information on leaks in the area of that water meter. It's kind of a cutting-edge technology. So, that's kind of an exciting one that we're looking at that might help us to identify where there are leaks in...in the private...both on the...on the public system and on the private side. We...you know, installing in smart meters. Smart meters are very effective in achieving water conservation. Another job I had years ago, we looked at...we compared a subdivision that had smart meters with one that didn't. The one that had smart meters, which is a very similar subdivision, had 17...had 15 percent less water use. So, the smart meters, basically, people can understand how much water they're using. And they also find out when they're...when they have leaks. We're also doing gray water pilot programs. We're doing it in a couple of parks. And then we...we're looking at increasing supply side efficiency, and replacing older under-registering water meters. I would also mention that one of the big things we do that kind of is outside of the realm of this ordinance is our water tiers. The fact that we have tiered water structure is very effective. As you probably have noticed, each year that I've been here, we've been increasing the tiers, meaning you pay even more as you use more water. Stay tuned for the budget. I'll be proposing more of that this next year, that we increase the higher...you know, the fees for the high...the highest water users. Next slide. And that concludes my presentation. Thank you very much.

CHAIR COOK: Thank you, Director Stufflebean and Mrs. Blumenstein. Before we begin our discussion, let's see if anyone would like to provide testimony for WAI-18. Staff?

MR. PASCUAL: Chair, we currently have two individuals signed up to testify.

CHAIR COOK: Okay. Anyone wanting to testify, please sign up in the lobby, join the online meeting, or call in the phone number noted on today's agenda. For online testifiers, please click the raise-your-hand button. For those calling in, please follow the prompts via phone, star-5 to raise and lower your hand, star-6 to mute and unmute. Please ensure your name on Microsoft Teams appears as the name you prefer to be referred to, or as anonymous if you wish to testify anonymously. If you are in person, please notify the Staff you'd like to testify anonymously. Otherwise, please state your name for the record at the beginning of your testimony. Written testimony will continue to be accepted and can be submitted via eComment at mauicounty.us/agendas. Staff will enable your microphone and video when it's your turn to testify. Oral testimony is limited to three minutes per item. If you are still testifying beyond that time, I will kindly ask you to complete your testimony. You can view the meeting on *Akakū* Channel 53, Facebook Live, or mauicounty.us/agendas.

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Decorum must be maintained throughout this meeting. Breaching decorum includes anything that disrupts the orderly management of the meeting. Violation of decorum may result in being removed from the meeting. At this time, I'd like to open public testimony for WAI-18. Staff, please call the first testifier.

MR. PASCUAL: Thank you, Chair. The first individual signed up to testify is His Highness Kaua, to be followed by Jasee Law. *(pause)*

. . . OPEN PUBLIC TESTIMONY FOR WAI-18 . . .

TESTIFIER 1: I'm Highness Kaua, representing for Kingdom Hawai'i Government, sovereign nation of God, Kingdom title holder, true title holder. Yes, you are here for a reason of, what you guys say, water. We going...we going beyond that step. Water, as all this time for this 1893 to now, has been nothing but gains being paid to us people. Therefore, we're...we're taking more steps than that, the biggest step ever. We placing charges against the united serpent states that they are that goes beyond what they put down as war...war crimes. And this is a fact. As a representative known as attorney, and so we have all the evidence that prove to what is unrighteously done to our people. And the greatest part about being our people is that I'm a grown man. To know who I am is a pure...pureness, not a percentage of 1 percent or 100 percent. I have a pure blood of mine. I'm pure-blooded European, which they have racist part of it, being white-skinned. I'm Michigan, pure-blooded Michigan, white-skinned. Racist again. They go to our...to our Chinese, Japanese, and slant eyes and all that fact, they call our people. Well, I catch all that spaces. One thing I do have, in my family, I'm known as the popolo black guy. They call our queen a black savage in their own papers. That's not going to be done no more. It was unrighteously done to our people, which adds up to today. Which there is even more, of course. The water has a big thing for all us people here, of all nationalities, which I am and they are. We're not going to be put into a place of being part, part, part, part, part, part, part. I'm part, half, 25 percent, and so forth. I'm not .01, I'm not 100 percent. I'm pure-blooded what I got, and so are they.

CHAIR COOK: So, sir, thank you.

TESTIFIER 1: The water...

CHAIR COOK: How do you feel about the...this particular bill, the water conservation measure?

TESTIFIER 1: Well, that's the part you're going to be talking about. The water, it's not just what it here is, it's the entire Maui, because I'm a 'Iolani Palace representative of Maui, and it adds to, of course, more, which I can be swimming in the kingdom, all the way to Rapa Nui and Midway. It's our waters, not yours. It...it is and will be come to its point. And his point is the . . .*(timer sounds)*. . . best point, and time, not man's time that you guys get, you have there now.

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CHAIR COOK: Thank you, sir. Can you wrap it up?

TESTIFIER 1: I'm not going to wrap up, not until I finish.

CHAIR COOK: No, but you have the three minutes, sir. That's our rule.

TESTIFIER 1: So? The point is there's nobody else here...but I'm here as a representative for the Kingdom, Hawai'i government, known as attorney, and therefore, I'll put you into the space of it. Like I walked into each courtroom, to each judge, they know you don't want to go there. The point is we're here for today, as much as we can, and I'll...I'll be out of here and get things done.

CHAIR COOK: Thank you, sir, for your testimony. I...

TESTIFIER 1: Oh, I'm not finished yet.

UNIDENTIFIED SPEAKER: . . .*(inaudible)*. . .

TESTIFIER 1: That's what they said from before and so forth until now. But I'm here now, and this is what we got.

CHAIR COOK: But --

TESTIFIER 1: The point is...

CHAIR COOK: -- sir, we do have a presentation and et cetera, and you're more than welcome to listen. And very...thank you for your comments.

TESTIFIER 1: Okay. The water...

CHAIR COOK: Members, do you have any clarifying questions for our testifier?

TESTIFIER 1: Therefore, on this day today, the charges we're putting down on the United States serpents that they are --

CHAIR COOK: Thank you, sir.

TESTIFIER 1: -- the snake State of Hawai'i, the cunning County of what it is you're representing of, we're putting charges on them, which depending...

MR. HURDLE: Chair, may Staff request a quick recess?

CHAIR COOK: Yeah.

MR. HURDLE: Two-minute recess.

CHAIR COOK: Three-minute recess, please.

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TESTIFIER 1: I want everybody's name here because this is...

CHAIR COOK: . . .*(gavel)*. . .

RECESS: 9:35 a.m.

RECONVENE: 9:38 a.m.

CHAIR COOK: . . .*(gavel)*. . . Welcome back, Members. 9:38, we'll reconvene our meeting. Staff, our next testifier?

MR. PASCUAL: Thank you, Chair. The next testifier is Jasee Law, to be followed by Kai Nishiki on Teams.

MR. LAW: Aloha, ka 'aha o ke kalana. And thank you for whoever translated this into 'Ōlelo Hawaiian. I really appreciate it. Aloha kakahiaka. Aloha Pō'akolu. Aloha kākou. Aloha *Akakū*. Hawaiian word of the day is--this is a pretty easy one, Kahu Cook, when you talk about water--let me try this one in...in 'Ōlelo Hawaiian. Pila 158, E Pili Ana I Ka Maluō Wai A Me Ka Ho'omaluō 'Ana I Ka Wai I Nā Wā Pōkole Wai, Water Conservation and Control of Water During Water Shortages. That's...that's...when I first got here to Hawai'i, the first thing I did was ride around and try to check out all the...where's the water coming from Upcountry. And yeah, I heard about the pigs, and the contamination in the water, and stuff. The word of...the Hawaiian word of the day, a lot of people know this word, it's...it's actually a big word in Hawaiian, and very interesting that they put the...the wai in the end of it, is kānāwai...and the two...first two A's have the macron over the top. It means law, code, rule, statute, act, regulation, ordinance, decree, edict, legal, to obey a law, to be prohibited, or to learn from experience.

CHAIR COOK: So, thank you, Mr. Law. Are you addressing this particular bill that we're --

MR. LAW: Yeah, it was just --

CHAIR COOK: -- your testimony or not --

MR. LAW: -- the Hawaiian word of the day part.

CHAIR COOK: And you're...

MR. LAW: I know it's going to be a...this is very...I'm...I'm going to stick around, I'm not just going to go talk and then leave. This is going to be very important. And thank you all for working for the County, all the na limahana. Next year is the Year of the Fire Horse. And Queen Lili'uokalani didn't get a chance to see one of these years in her...she saw 1906 when she was still queen. And then next year is the Year of the Fire Horse. There's going to be some social justice going on, and it's also going to be very, very hot.

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CHAIR COOK: Thank you --

MR. LAW: So, thank you --

CHAIR COOK: -- for your testimony.

MR. LAW: -- guys for conserving.

CHAIR COOK: Members, do we have any clarifying questions for the testifier? Seeing none. Thank you very much. Staff, please call the next testifier.

MR. PASCUAL: Thank you, Chair. The next testifier is Kai Nishiki, to be followed by Casey Lamb. *(pause)*

MS. NISHIKI: Aloha, Chair, Committee Members. Kai Nishiki, testifying on the water conservation bill. I really feel...I'm so glad that this is finally being heard in this Committee, as for far too long, Maui County's leadership, particularly in the areas of water and housing policies, have deferred, delayed, and side...sidestepped critical decisions, allowing systemic inequalities to persist. The result, an ongoing housing crisis worsened by water management policies that failed to reflect our community's true needs. In recent testimony at the Commission on Water Resource Management, there was overwhelming support for the County to assume control over West Maui's water resources, which majority are controlled by private water companies. But the truth is, changing who manages the water will not solve the problem unless we change how and for whom water is managed. We must prioritize water, and...and have the County establish a hierarchy of water uses so that when we enact bills like this that conserve water...and you see in West Maui, it could be almost 2 million gallons of water, which could be prioritized to build...with 2 million gallons of water, you could build 4,000 safe, new, pet-friendly, safe outside of hazard zones housing for West Maui. And that can happen very quickly. There are projects that are entitled and ready to go, and you could produce a couple thousand units in less than five years. So, please prioritize water through conservation for affordable housing through a policy. And when the conservation is...is realized, then it also must then be allocated for a use that the community values. Otherwise, these water savings can then be continued to be manipulated through, you know, special water math, or political...political games that are...that are often played with projects and water. And also...I would also like to bring up that there should be an amendment to the Plumbing Code that allows R-1 water for toilet flushing in multifamily, commercial, and public facilities. Please update the County water system standards. Current standards fail to reflect actual water use. And most importantly, establish a hierarchy of water use priorities and...and enforce it. So, we look forward to your work today, and really, understanding that the key . . .*(timer sounds)*. . . to unlocking housing for our people is through water. And so, this work that you folks can take on today is very important. And water conservation enforcement could yield thousands of housing units. Mahalo.

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CHAIR COOK: Thank you for your testimony. Members, clarifying questions for our testifier?

MS. NISHIKI: Happy holidays.

CHAIR COOK: Seeing none.

COUNCILMEMBER PALTIN: I had a clarifying --

CHAIR COOK: Oh...

COUNCILMEMBER PALTIN: -- question on...

CHAIR COOK: Okay. Member Paltin has a question for you, Ms. Nishiki.

COUNCILMEMBER PALTIN: Thank you. On the hierarchy of priority, I think you were saying, is it your understanding that Hawaiian Homes has a higher priority?

MS. NISHIKI: Yes, I think along with traditional and customary practices. So, I think that the...that the County should...should recognize that when they are allocating our water resources.

COUNCILMEMBER PALTIN: Thank you.

CHAIR COOK: Members, any other clarifying questions? Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair? Mahalo, Chair. Aloha, Ms. Nishiki. Mahalo for your testimony. Happy holidays. I...in your testimony, you cited R-2 [sic] water for flushing toilets. And Member Johnson may know this. In Japan, they have hand-washing...oh, no. Oh, no. Can you hear me?

CHAIR COOK: We lost you, Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah, can you hear me? Oh, great.

MS. NISHIKI: Yes, we can hear you.

COUNCILMEMBER PALTIN: We can hear you.

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, you can hear me? . . .*(laughing)*. . . It's a good thing I...okay. While I'm trying to get my video back on, I was getting a call. That's what happens when you join on the phone. Okay. Anyway, since you can hear me. Oh, there. Okay. Mahalo for everyone's patience. Okay. Hand-washing . . .*(laughing)*. . . over the tank. And we heard Director Stufflebean say that they're going to be doing the program with toilets that...like low-flushing toilets, or I can't remember what it's called. But hand-washing into the toilet tank is one way Japan does conservation. And it's far less costly than piping or, you know, doing new pipes

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from R-2 [sic] into the tank. And the question about whether, you know, DOH would approve all that just because the lines may cross. Okay. Anyway. Is that something that go along with what you were saying in your testimony about reuse...water reuse into toilet flushing?

MS. NISHIKI: Oh, absolutely. I did actually see that when I visited Japan, and very exciting. But I...but I do think for...especially for Lahaina in the rebuild, it's a great opportunity to put in that infrastructure. While we have that clean...that clean slate, and then also for new multifamily...you know, there's a...there's a lot of development happening. And I just think that it's important to put in that infrastructure that enables us to build more resiliently and smarter with everything that...that we have at our disposal. So, yes, it's a...yes, there are things that we need to invest in, and make changes to. But great opportunity. And I'm...I'm just thrilled that after all of these years that R-1, and recycled water in general, is seen as an...an asset, and not something to just inject and kill our reefs. So, mahalo.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo for that clarification. Mahalo, Chair.

CHAIR COOK: Thank you. Members, any other clarifying questions for the testifier? Seeing none. Thank you very much. Staff?

MR. PASCUAL: Thank you, Chair. The next testifier is Casey Lamb, to be followed by David Goode on Teams.

MR. LAMB: Good morning, Councilmembers. My name is Casey Lamb testifying on behalf of myself as a resident of Kula, and my learnings and my role with Ledcor Maui as a community builder. I'm in support of this water conservation bill, and I wanted to give a few specific examples of what Director Stufflebean had presented on. We are designing our communities to ensure water conservation is inherent in the design from the start, rather than being retroactive. We're focusing on four aspects...designing for LEED for homes, LEED for sites, designing landscaping with majority of native canoe plants that are drought and salt-tolerant, and low-impact development techniques. LEED, which I believe was in a previous version of the bill, I think, is crucial just inherently of what's required in its prerequisites. LEED for homes is the most recognized green building rating system, and is standard for environmentally-sound building, site design, construction, operations, and maintenance. We are striving for LEED Silver for all of our homes. Inherent in the prerequisites is to reduce total water consumption by 20 percent. And based on our research, indoor water consumption can be reduced by more than 40 percent, compared to the County average just through low-flow fixtures and Energy Star appliances. Utilizing smart water meters within homes with leak detection, especially important if people are on a vacation or not...visiting. Water can get shut off when people are not home. We are also looking to LEED for SITES, which I believe is relatively new. I think only one property in all of the State of Hawai'i is certified over on O'ahu. It's a comprehensive rating system that focuses on sustainable design, construction, and maintenance of landscapes, providing a framework for creating healthy and resilient environmentally-responsible landscapes, integrating best

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practices in water, soil, vegetation, materials, and human well-being. So, that includes smart irrigation systems for landscaping, such as smart rain that monitors local evapotranspiration rates to prevent overwatering, detecting big leaks that are not...or that are tracked by zones. In older systems, these leaks are not caught until the next watering cycle. Conservatively, these can save between 25 to 30 percent, with some cases going all the way up to 37 percent. In SITES, you also score points for focusing on reduced water outdoor use, managing precipitation to promote groundwater recharge, designing functional stormwater features, and restoring aquatic ecosystems. SITES also comes with an educational and performance monitoring to ensure that properties continue functioning at a high level. Next is in our landscaping. We're designing our projects with majority of native canoe landscaping that thrive in dry environments with drought and salt-tolerance. This bill comes at a good time, as we are now challenging our landscape architects to ensure all plants we are considering can thrive during a three times per week water schedule, and also ensuring that a great majority of our plants can also endure stage one water shortages as well. Through our time touring Waikoloa Dry Forest over on Big Island, we have also learned many drought-tolerant plants and native plants can function off to little or no irrigation, and so we are also looking into incorporating areas of native plant restoration on our sites, requiring no irrigation after being established. And last, low impact design or LID. . . .*(timer sounds)*. . . We're looking to incorporate bioretention systems designed to collect stormwater, filter pollutants, and infiltrate into the ground, otherwise known as rain gardens, reducing the need for landscape irrigation once established.

CHAIR COOK: Thank you.

MR. LAMB: Thank you.

CHAIR COOK: Thank you for your testimony. And Member Paltin has a question, and then Member Sugimura.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Lamb. I just wanted to clarify, were you saying that there is a SITES program that's separate from the LEED program? And is...how do you spell that, SITES?

MR. LAMB: So, yeah. LEED SITES, S-I-T-E-S. It is kind of...there's...there's overlap, but it is separate from LEED for homes. We're working with VCA Green, who's done a lot of work here in Hawai'i, as well in California. And...and we're learning about that as well. And I do have some written testimony, and kind of some speaking points that they put together for us that I can submit that kind of gives a summary of everything that's incorporated in LEED SITES.

COUNCILMEMBER PALTIN: Thank you so much.

MR. LAMB: Yeah.

CHAIR COOK: Staff, would he submit that to the Committee?

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MR. HURDLE: Yes, if...if it hasn't been submitted already, it can be sent to the Committee email. That's wai.committee@mauicounty.us.

MR. LAMB: Okay.

CHAIR COOK: Thank you, Mr. Lamb. Member Sugimura?

VICE-CHAIR SUGIMURA: Thank you. I actually was going to ask more about this LEED SITES also. So, it's kind of scary if Tamara and I start thinking alike.

UNIDENTIFIED SPEAKERS: . . .*(laughing)*. . .

VICE-CHAIR SUGIMURA: Just kidding. That's...that's what I was going to ask. So, thank you. I look forward --

CHAIR COOK: Thank you.

VICE-CHAIR SUGIMURA: -- to learning more. I'm amazed with all that...Ledcor, yeah --

CHAIR COOK: Yeah.

VICE-CHAIR SUGIMURA: -- you're...you're working with, has done. So, thank you.

CHAIR COOK: Thank you.

MR. LAMB: Thank you.

CHAIR COOK: Members, any other further clarifying questions for the testifier? Do we have anybody online?

MR. PASCUAL: Chair, it doesn't look like there's any further clarifying questions for the testifier. So, at this stage, we can move on to the next testifier, which would be David Goode --

MR. LAMB: Mahalo, everybody.

MR. PASCUAL: -- to be followed by Brendan Kennedy.

VICE-CHAIR SUGIMURA: Interesting.

MR. GOODE: Aloha.

CHAIR COOK: Aloha.

MR. GOODE: Can you folks hear me okay? Sounds like it. David Goode here, Upcountry resident, and also on behalf of Ledcor Maui, where I work with Casey. So, my

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comments are on Bill 158, CD Draft 1, which I actually just saw today. So, I didn't realize there'd been another draft. It certainly looks better than the original bill. This is a really good bill. It's long overdue. Kudos to DWS Director Stufflebean and the Planning Division for bringing it forward, and Councilmember Cook for scheduling and discussing. I still think there's some work to do on the bill that I'd like to suggest. So, I have a few bullet points to talk about. One, I think Casey alluded to a little bit, is adding a requirement for multifamily and commercial properties to have their own water use monitoring devices for the individual units or lessees. This is no different than DWS' EyeOnWater app, which I personally use for our home, but for properties with multiple units. We installed these devices at our recently completed multifamily project, La'i Loa, and each owner there has real-time access to their in-unit use. And then the HOA has access to all the units' usage and the outdoor uses. This drives a conservation mindset, and delivers results. We're very impressed with how the water use has been so low. We will undoubtedly continue to use these monitoring devices in our future projects with or without this bill, but it is something that I think the bill should consider. I think the bill should also consider adding single-family home uses on lots greater than a half-acre for the requirements that are in Subsections 120 and 130. This is regarding having water-efficient landscapes and watering systems. These larger lots have the most irrigated area per person, and can be some of the larger water users in the County on a per-square-foot basis. So, right now, Subsections 120 and 130 only deal with multifamily and commercial, but my suggestion is add single-family on the larger lots over a half-acre. You may want to consider the smaller ag lots as well. There's a provision in a section to change Title 18 subdivisions in the application process. I'm not sure why this is needed. Title 18, when you submit a subdivision, it's very general. We're simply creating property lines. The proposed revisions would have...ask for details on irrigation systems. That's clearly something that's done later in the process. It's not done as part of a subdivision map. So, I think this section should be deleted. And the definition of water-efficient talks about xeriscaping with native. It should say, I think, native and canoe plants. In Subsection 20, when it talks about the various plans, I think it should add, as may be updated, because plans change over time, and then you don't have . . .(timer sounds). . . a stale ordinance on your hands. I have a few more which I could discuss, but that's...that's my three minutes, it sounds like.

CHAIR COOK: Thank you, Mr. Goode. And we have clarifying questions from the Members. Member Sugimura?

VICE-CHAIR SUGIMURA: I...I wonder first if you could submit what you wrote in written testimony, if you could send it to us. The section that you are recommending to be deleted, can you say what section that is again? I didn't write that down.

MR. GOODE: It's the section in the bill regarding Title 18.

VICE-CHAIR SUGIMURA: Okay.

MR. GOODE: It might be near the end.

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VICE-CHAIR SUGIMURA: We can find it.

MR. GOODE: Right. Yeah, there's...there's a section on 18 related to private parks, and Section 5 related to 18.08.080, explanatory information.

VICE-CHAIR SUGIMURA: Okay. Thank you. So, I hope Staff got that. Yeah, you got it? Okay.

CHAIR COOK: I see the Director nodding his head. Does that complete your question?

VICE-CHAIR SUGIMURA: That's it. Yeah, that's it.

CHAIR COOK: Okay. And then Member U'u-Hodgins.

COUNCILMEMBER U'U-HODGINS: Thank you, Chair. Member Sugimura asked my question. Thanks.

CHAIR COOK: Member Paltin, clarifying questions for our testifier?

COUNCILMEMBER PALTIN: Thank you. I just had a couple. Those individual monitoring use mechanisms that you were speaking about?

MR. GOODE: Um-hum?

COUNCILMEMBER PALTIN: What is the cost per unit, and how much did that add to the cost of your development?

MR. GOODE: That's a great question, I...and I don't know the exact cost, but when done with new construction, it's pretty straightforward, right? Because individual waterlines going into a unit, you can install the devices. Well, Casey's telling me how much they were, how much?

MR. LAMB: 50,000 for the landscaping, a couple hundred . . . *(inaudible)* . . .

MR. GOODE: Yeah, so a couple hundred dollars per unit, and then on the outdoor landscaping, it was...it was a lot more expensive. I think it was around 50,000 for a larger property.

COUNCILMEMBER PALTIN: And what are they called --

MR. GOODE: But for individual units, it's cheap.

COUNCILMEMBER PALTIN: -- just individual monitoring unit?

MR. GOODE: Yeah, I mean, it's almost like submetering, right? So, if you have...do you have a main meter outside? So, this is, you know, monitored by the HOA and the

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individual owners, that way they can see what's going on in their unit, or if they have a leak. So, it...it's...it's extremely...it's extremely handy.

COUNCILMEMBER PALTIN: Thank you. And then my other question was, when you wanted to add not only multifamily and whatnot, but single-family lots greater than half-acre, and then you were saying --

MR. GOODE: Right.

COUNCILMEMBER PALTIN: -- smaller ag lots, are we considering substandard ag lots, or two acres or less? Like what...what is your definition of smaller ag lots?

MR. GOODE: That's another really good question. I would say...if I had to guess, I'd say less than five acres. Thinking about most ag lots, you need an ag farming plan that requires like half...at least half of the property be in farming. That means the other half is not. And I'm looking...I'm thinking about those areas that are not in farming or ag, and that's a lot of area. So --

COUNCILMEMBER PALTIN: So, you're saying --

MR. GOODE: -- it seems to me they should be...

COUNCILMEMBER PALTIN: -- that...you're saying that lots...ag lots five acres are less on the non-agricultural portion?

MR. GOODE: Right. Yeah, would make...that would make sense to me.

COUNCILMEMBER PALTIN: And the part about native and canoe plants, you don't know what section that was, do you?

MR. GOODE: That was in the definition section, so it's at the...I thought the opening section.

COUNCILMEMBER PALTIN: Okay. Thank you so much.

MR. GOODE: You're welcome. Thank you.

CHAIR COOK: Members, any clarifying questions for our testifier? Yes, Mr. Rowe?

MR. ROWE: If I may, I believe he was referring to the definition of water efficient on item 6, or subparagraph 6. Under the definition of water efficient, it refers to xeriscaping with native plants or water-efficient plants.

CHAIR COOK: Mr. Goode?

MR. GOODE: Yeah, that's...that's correct. And I had a few more, if you can indulge me.

VICE-CHAIR SUGIMURA: Yeah.

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CHAIR COOK: Okay.

VICE-CHAIR SUGIMURA: He's on a roll.

CHAIR COOK: I'm getting nods. The...Members, you're in agreement that...

UNIDENTIFIED SPEAKER: . . .*(inaudible)*. . .

CHAIR COOK: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: Are we still in public testimony?

MR. GOODE: Okay.

VICE-CHAIR SUGIMURA: Yes.

CHAIR COOK: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, okay. Then I think that if you wanted to make him a resource, that would be more appropriate so that we can finish public testimony and close, yeah?

COUNCILMEMBER U'U-HODGINS: Can I request that we make him a resource under Rule 18?

CHAIR COOK: Members, are you in agreement? Yes --

VICE-CHAIR SUGIMURA: If he has time.

CHAIR COOK: -- by unanimous agreement. Mr. Goode, are you available to be a resource? We'll complete our public testimony if you'll stand by?

MR. GOODE: Sure. Can do. Thank you.

CHAIR COOK: Thank you. Staff?

MR. PASCUAL: Thank you, Chair. The next individual signed up to testify is Brendan Kennedy, to be followed by Jim Langford.

MR. KENNEDY: Hey, good morning, everyone. Thank you for the time. I appreciate it. Actually, I didn't plan on testifying, but when we started talking about recycled water, my ears perked up quite a bit. I'm testifying on my own behalf at this point, just on a little bit of the history of using recycled water specifically in Kihei from the Kihei Wastewater Treatment Plant. Everyone at Wastewater is very helpful, and we currently are installing recycled water on several projects in the tech park in Kihei, which is now kind of rebranded as Lipoa. So, that is a huge, drastic drop in water,

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especially for commercial and multifamily properties. We have a 20,000-square-foot office building, I know that I think pulls less water than my own home sometimes, just based on irrigation. So, it's like 200 gallons a day, or 300 gallons a day, or something. It is drastically much lower, and I'm sure you guys are aware. The reduced or recycled water in Kihei, I think, is a...the best opportunity at recycled water...at water conservation. I think the items in this bill are welcome. I think a lot of them are already happening on new commercial properties, on new commercial and multifamily developments. One thing I would just advocate for is recycled water is not permitted for use in single-family homes in new developments. So, you will have a recycled water system in the street that will distribute water to that three-foot landscaping strip, but then the homeowner is now using their potable water and their potable meter. The DOH rules cite that they're...they don't explicitly bar single-family recycled water use, but they do cite that there needs to be a recycled water manager. So, it would be not directly a part of this bill, but something to consider and keep in mind as a support for DOH, or a Wastewater rule change. If a recycled water manager could be in place through the HOA, there may be an opportunity to allow R-1 use for drip irrigation in single-family homes. I think as long as you have a specific manager in the Department of Health, and Wastewater not chasing down 8 million homeowners, I think it's a great opportunity to continue to lower potable water use in single-family homes, and then overall. I know there's significant investments in the R-1 infrastructure within Kihei, and I would really support the expansion of that use on kind of new developments, and then allowing and getting R-1 infrastructure installed, and new R-1 meters distributed to commercial and multifamily homes. Other than that, I don't have any specific comments on the legislation. I do support it, and I think a lot of it is kind of already happening just with natural market forces. That...that's all I have. Thank you.

CHAIR COOK: Thank you, Mr. Kennedy. Members, clarifying questions for the testifier? Member Sugimura?

VICE-CHAIR SUGIMURA: Thank you very much for deciding to testify. I was just wondering, you're talking about a...did you say a R-1 app, which is...is that available?

MR. KENNEDY: Right now, there's a pretty good, sophisticated R-1 system in Kihei that goes a little bit north and quite a bit south. It's close to being a loop. It feeds the new high school, and feeds several commercial properties, and makes it down to, I believe, the Kamaole One Park. That's as far south as it goes. But then the commercial buildings--I'll use Lipoa, or the tech park as an example--is all R-1 irrigation, and has just super low potable water use.

VICE-CHAIR SUGIMURA: Fantastic. Oh, okay.

MR. KENNEDY: And sorry, is that your question?

VICE-CHAIR SUGIMURA: I think you said park, I thought you said app. There was a R...HOAs can use R-1 water...oh, sorry. I thought you said...

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MR. KENNEDY: Oh, application. Sorry.

VICE-CHAIR SUGIMURA: I misunderstood what you said. So, thank you for...congratulations with the Lipoa project. That's really great to hear. Thank you.

CHAIR COOK: Members, any other clarifying questions for our testifier? Seeing none. Thank you, sir. Staff?

MR. PASCUAL: Thank you, Chair. The last individual signed up to testify is Jim Langford.

MR. LANGFORD: Aloha. I had to put my hair back so I don't distract. . . .(laughing). . . Thank you all for what a wonderful day of new ideas, and...and discussing water, and all the different solutions that can be applied. I've been running risk analysis models on everything that's been testified about recycled water, plow drip as well, to building 3D printed cement basins as a 12 cents on the dollar solution. Tom can explain that these...printing those basins is like 9,000 PSI concrete, where...and the Kea Lani is built at 3,000. So, if you can get 12 cents on the dollar to catch water that runs on the hill. So...so, anyway, let me stay on point, is introducing atmospheric water generation for...to solve long-term water solutions is an expensive, but way to do it by the numbers that are used in desert areas, like Las Vegas, where the humidity is low. But we have an opportunity here to suggest like, oh, in the new H-3 and H-4 zoning that's going to happen, we can say attached to that, we would like you to produce your own water with these systems to offset the conversation in a...in a technical solvable way, rather than an emotional way. We've made it past the emotional part of solving the problem, respectfully. We've honored the spirit of the people's wishes. Now, can we go forward in the technical way that combines expensive water generation like AWS, where it's a big dehumidifier in a...in...in a shipping container, solar powered. So, I've posted some information on Facebook on cost breakdowns, risk analysis, on this thread today. If you folks need it in a different way, please have someone reach out, and I'll prepare a report for you and email it as needed. So, these are things that we can do to offset the...the push of where are we going to get the water for new construction? Well, we'll make it on the roof, and stop. So, I love you guys. If you need me, I can speak to that ad nauseum. I have a few years of research at a PhD level in...on this topic. So, thank you all.

CHAIR COOK: Thank you very much, Mr. Langford, for your testimony. Members, do we have any clarifying questions for our testifier? Seeing none. Thank you, sir. Staff?

MR. LANGFORD: Yes, sir.

MR. PASCUAL: So, Chair, that's all the individuals signed up to testify. If anyone in the audience or on Teams would like to testify, please come up to the mic and begin your testimony or use the raise-your-hand function on Teams and Staff will unmute you. Here's a brief countdown...three, two, one. Seeing none. Chair, no one has indicated that they wish to testify.

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CHAIR COOK: Members, seeing that there are no individuals wishing to testify, without objection, I will now close oral testimony.

COUNCILMEMBERS: No objections.

. . . CLOSE PUBLIC TESTIMONY FOR WAI-18 . . .

CHAIR COOK: Thank you. As a reminder, written testimony will continue to be accepted into the record. Members, I'm proposing two rounds of three-minute questions per Member. Any objections?

COUNCILMEMBERS: No objections.

CHAIR COOK: Okay. Thank you, Members. Let's begin discussion. Councilmember Sugimura?

VICE-CHAIR SUGIMURA: Thank you. This is fabulous. A great way to end the year, really. I look forward to passing this. I also look forward to knowing if you have...will...if you will be making more amendments based upon what the testifiers said. I'm sure that, you know, later on in the meeting, or whatever you want to do. But I...I'm glad to hear that we are working with the hotels because we're constantly hearing about how they waste water and whatever, so I'm glad that you're in a conservation for not only us, but the greater community. I'm...I'm grateful for that. I'm thrilled to hear what Ledcor is doing. So, are you all working with them, with their project? That sounds like an example of good...good policy in action.

MR. STUFFLEBEAN: We have had some conversation with them. We'd be glad to, you know, continue those and enhance them too, yes.

VICE-CHAIR SUGIMURA: Yeah, that's great. And I guess we were...oh, did you want to say something?

MS. BLUMENSTEIN: No, we just really appreciate the...the input from...from Ledcor, and I agree that, you know, they're really putting some really good examples --

VICE-CHAIR SUGIMURA: Yeah.

MS. BLUMENSTEIN: -- what can be done.

VICE-CHAIR SUGIMURA: Yeah. It...and I would love to see further the last testifier talking about helping the HOAs so that they understand, you know, water conservation for their...their buildings, or their, you know, subdivision because I think they operate privately, and we don't necessarily get to hear from them. They may work with you all the time, I'm not sure, but it would be good to also firm that relationship up. I don't know how you do that.

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MS. BLUMENSTEIN: Yeah, that's a really good point. I mean, we're...it's really just staffing that prevents us from going out more and engaging with, you know, landscapers, homeowner associations, and whatnot, but we still...we do need to do that more now if this bill is passed, you know, as the education and kind of clarifying efforts. So, we're going to have to somehow find time to...to really bring that up a notch.

VICE-CHAIR SUGIMURA: Fabulous. And I want to tell you, as a Kula resident, that I have not been using my sprinklers for years. I think after we moved in, we realized that drought season is every summer. All my plants and grass doesn't look like when we bought the house, but we do our own conservation in a Kula way. Drought. It works. . . .*(laughing)*. . . That's all. I'm --

CHAIR COOK: Thank you.

VICE-CHAIR SUGIMURA: -- I'm thrilled to see what amendments, and if we can pass this bill.

CHAIR COOK: Member Johnson, you have some questions for the Department?

COUNCILMEMBER JOHNSON: Sure. I think I might have longer than three minutes, but first question is for you, Chair. Do you plan to pass this bill today or...is that your intention?

CHAIR COOK: Yes, I would like to. I think that we...we can make some amendments to it as far as the recommendations. I trust that the Department can and will take to heart these issues and assist us in that...but yeah, I would like to pass this.

COUNCILMEMBER JOHNSON: Okay.

CHAIR COOK: And just sort of clarification.

COUNCILMEMBER JOHNSON: Okay. Thanks.

CHAIR COOK: This has been delayed. This was...I wanted to bring this much earlier, but because of the...all of the changing schedules of all of the different bills and whatnot, but it was really important to have it this year, so I'm happy to be doing this today. And yes --

COUNCILMEMBER JOHNSON: Okay.

CHAIR COOK: -- I would like to pass it.

COUNCILMEMBER JOHNSON: Thanks for that. I'm going to jump into my questions for Director Stufflebean in regards to his two slides on pool covers. Director, on one slide, it said like you wanted to require pool covers, and then the other one was to encourage. I...I personally would like to tighten up the language to make them...you know . . .*(inaudible)*. . . folks have pool covers when...especially during the day when

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they're not in use. But I'd like to hear your opinions on...on...on strengthening that language on pool covers, Director.

CHAIR COOK: Director?

MR. STUFFLEBEAN: Yeah, thank you. Yes. I mean, I would...in an ideal world, I would say everybody should have a pool cover tomorrow. But we realize that there's a lot of people, and it would be hard for them to have that that quickly. So, you know, we...we started with, you know, a pool that is not used for 30 days or someone...that's a vacant house. Going beyond that, I think that's a great idea, and we would have to think about kind of the timing of that, and give people a chance...because that...you know, there's a lot of pools that would...you know, would need to...would need to achieve...would need to acquire pool covers. Certainly would support --

COUNCILMEMBER JOHNSON: Okay.

MR. STUFFLEBEAN: -- requiring pool covers for any new construction, and then maybe some kind of a schedule for existing homes.

COUNCILMEMBER JOHNSON: Okay. I'm on limited time. So, Corporation Counsel, how about some language, if I could just read this off on the record for you, and maybe you can get back to me in the second round. But basically, in 14.06B, as in Bravo, .150, pool covers...or A, Section A, pool covers must--that's inserted language--must be used to limit evaporation from swimming pools. And then two, for swimming pools, when not in use during the day, would be the language I would put in, but I'd like to hear maybe Corporation Counsel's opinion on can we strengthen this language a little bit more, and what you guys recommend. But if we have time, they can discuss it, otherwise, that'll be second round. Thank you, Chair.

MR. ROWE: Sorry, what was the second point that you made? I...I missed that, the...

COUNCILMEMBER JOHNSON: Sure. In part two, it says, for private swimming pools, when not in use, and the new language would be underlined, during the day...that's in 14.06B, as in Bravo, .150. . . .(timer sounds). . .

MR. ROWE: Yeah, I...I don't have a problem with adding that. I would just like to mention that this is applying to only clients of the Water Department, right? So, we...we can put those restrictions on that. I...I don't see a problem with that.

COUNCILMEMBER JOHNSON: Okay.

MS. BLUMENSTEIN: May I add to that?

CHAIR COOK: Yes.

MS. BLUMENSTEIN: Thank you, Chair. Yeah, the provision there under 14.06B.150 (1), I don't know, I don't really want to speak for Department of Parks and Recreation, but

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we have that contingency in there. You know, if it is...if...if it's possible that it would add for public safety, but in some cases, it may be an issue to have pool covers at certain public pools. So, before adding a requirement for Parks, we may want to consult with them, or leave it as a...so that that...the option is still there.

CHAIR COOK: Member Johnson, would...ponder this and bring it up in your second round?

COUNCILMEMBER JOHNSON: Okay. Sounds good. Thank you, Chair.

CHAIR COOK: Member Paltin?

COUNCILMEMBER PALTIN: Point of information on his...just to try and understand the discussion, did he want to remove private? Because Parks' pools are not private, right? They're public pools.

COUNCILMEMBER JOHNSON: I...I personally would kind of leave the option open for Parks. How many pools are...do we have? Under ten. I...I could be wrong, but I'm...I'm...I'd leave it open. I don't want to make it too hard for the departments, but what...whatever the body decides, I'm...I kind of feel like leaving it open, but...

COUNCILMEMBER PALTIN: Oh, because I just...I didn't follow the entirety of that conversation. But my first question for the Department is on slide six, I believe, of the PowerPoint presentation, where it says general public and Hawaiian Home Land water use equity. If that is your water conservation policy, I'm...I'm not sure because I thought that Hawaiian Homes have legally protected rights to water rooted in the Hawaiian Homes Commission Act and State Constitution. So, just wanted to clarify what you meant by equity. There's the Hawaiian Homes Commission Act of 1921, and the State law...like HRS 174C-101 recognize significant water rights for the Hawaiian Homes Commission Trust. It's like right up there with traditional and customary uses, which is above, right? So, I mean, what...what did you mean by equity, not the same?

CHAIR COOK: Department?

MR. STUFFLEBEAN: Right. Well, I guess I may ask the attorney to opine on that, but, you know, we want...I guess the general...the idea would be that as we're looking at our water use, that we give full consideration to the...to the requirements of the Constitution in terms of respecting the Hawaiian Home Lands' usage and...and the public trust uses. That was the intent of that.

COUNCILMEMBER PALTIN: Oh, okay.

MR. STUFFLEBEAN: Yeah.

COUNCILMEMBER PALTIN: Not saying that they're the same level?

MR. STUFFLEBEAN: Right.

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COUNCILMEMBER PALTIN: Okay. Okay. All right.

MR. STUFFLEBEAN: You wanted to add anything, Caleb?

COUNCILMEMBER PALTIN: Just wanted to clarify that.

MR. ROWE: Yeah. I would just add that I believe that we even put that in...in somewhere, that the Department of Hawaiian Home Lands' use is a...is a recognized...the reservation system is a recognized public trust use. And I think we put that elsewhere. So, I...I...I didn't put together a slideshow, but we have it in the legislation that that's recognized.

COUNCILMEMBER PALTIN: Okay. Good, good. And then the other question I had was, the shortage and conservation plan, like this would kind of...it...it aligns with it, and it would be considered like a conservation policy. And my understanding is, in special management areas like West Maui, which has a ground and surface water Special Management Area designation, they...CWRM can create a shortage plan for the entirety of the water aquifer sector area. And if they decided to say, you know, we didn't come up with no shortage plan, let's just use the County of Maui's one as the shortage plan for the Lahaina Aquifer sector area, is that a possibility? If CWRM designates this bill, or your short...your conservation policy and shortage plan to be the overall shortage plan, like at least to start with, because you got something in writing and it's legal, for the entire Lahaina Aquifer sector area?

CHAIR COOK: Department?

MS. BLUMENSTEIN: Chair? Thank you for that question. Well, for...first we have...or...or the water commission has consulted with...with us in starting to develop their water shortage plan. So, ours, that was completed last . . .*(timer sounds)*. . . last year was...you know, the intentions were...were multiple, but one of them was, of course, to have a shortage plan in place for Lahaina because it's a designated area. So, in the absence of a commission-approved plan, they could refer to ours. But I don't know what the status of...of theirs is, but once...and if one would be adopted, it would supersede. I think we make a note of that too, especially looking at the agriculture exemption we have, that's not a public trust use, you know, we would expect that theirs would be a little more stringent in that respect, so...

COUNCILMEMBER PALTIN: Okay. No complaints from me. Thank you.

CHAIR COOK: Chair Lee, questions? *(pause)* You're muted.

COUNCILMEMBER LEE: Sorry, Chair, I thought you heard me. I...I have no questions, only because I have to leave for another meeting in about one minute.

CHAIR COOK: Okay.

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COUNCILMEMBER LEE: But thank you. I appreciate the...we have been supporting, you know, having a conservation bill passed this year for almost one year now. . . .(laughing). . . So, I'm glad it's here. And I'm...I'm very happy to see the work that has gone into it. But I...I am concerned a little bit about enforcement because, you know, we have so many vacancies, that really has to be addressed. And I was...I was going to have some questions on the smart meters, which were started years ago. And...and it's really not a new project, nor is the...the loop in South Maui. That was started in like 2020, you know, under Eric Nakagawa. So, I'm glad to see that there's progress, and I wish I could stay longer, and thank you very much.

CHAIR COOK: Thank you, Chair. Member Rawlins-Fernandez, you have a clarifying...not clarifying, do you have any questions for the Department...discussion?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I do. Okay. I'm also in my office, and I have my Staff, Mahea Bright-Wilhelm with me on this side of the office. Okay. So, I...maybe I'll just . . .(inaudible). . . If you want to go before me, Chair, and then I'll...I'll take my turn.

CHAIR COOK: Member U'u-Hodgins?

COUNCILMEMBER U'U-HODGINS: Thank you, Chair. If Mr. Goode is still on, if you could please continue for my opportunity. Thank you.

MR. GOODE: Aloha. Can you folks hear me?

COUNCILMEMBER U'U-HODGINS: Yes. Thank you.

MR. GOODE: Okay. Well, thank you, Chair and Member U'u-Hodgins. So, let's see, where I left off, we talked about, in 020, that the various plans, we should add the phrase, as may be updated, so the ordinance doesn't go stale as time goes on. In Section 060(A)(1), (2), and (3), these are the shortages, the 10 percent, 20 percent, and 30 percent reductions. It doesn't specify what the baseline is, so it's 10 percent of what? Or 20 percent of what? You know, for years, Upcountry...as an Upcountry resident for 30-plus years, this always came up during previous shortages. You know, what are we looking at, the last 12 months prior, an average, how does that work? This may refer back to the rules. There's rulemaking authority here for the Department. I think rules are going to be needed, so maybe this is a...you know, certainly a question for the Department, so we need to know what we're reducing from. Another minor, kind of a manini thing, is the word used excessively windy days. This is in Subsection 90(B)(5), you know, to stop spray irrigation. I mean, it makes sense, but I don't know what excessively windy days are, so that needs some definition, I think. In Subsection 070, it talks about publication of *The Maui News* on a weekly basis. What if *The Maui News* goes to less than weekly? This exact issue was before the Planning Commission, I think, recently, because they had some publishment requirements that were no longer doable because *The Maui News* only publishes once a week now. What if it goes to once every two weeks? That needs to be thought through, I think. And I'm glad to hear they're talking about pool covers. You know, we...we're going to install

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pool covers on all new pools going forward for our projects, our Ledcor projects, but if...I'm not a pool owner, but my neighbor's got a pool. It was not designed for a cover. I don't know how he puts one in. There'll be times when he's not using it for more than 30 days. I'm sure he'd like to, or others would like to. If it's not designed for a pool cover, you know, can it be done? So, I think...I don't know, I guess I'd like to hear from the pool companies, the people that do this, and maybe the departments talk to them, so... That's what I had, so thanks, Member U'u-Hodgins and Chair. Thank you.

CHAIR COOK: Thank you.

COUNCILMEMBER U'U-HODGINS: Thank you.

CHAIR COOK: Do you have any further questions?

COUNCILMEMBER U'U-HODGINS: Sure. I guess if...oh, Mr. Rowe, did you have something you wanted to...

MR. ROWE: Chair, if I...if I really could just interject a little bit. We refer to in a newspaper of general circulation, and the way that our Department has interpreted that includes the *Honolulu Star Advertiser* because they are in...in general circulation in the County of Maui. So, even in the case that *The Maui News*, you know, whatever happens with them, we would still be covered with...with that, and that's --

COUNCILMEMBER U'U-HODGINS: Okay.

MR. ROWE: -- how we've kind of been interpreting things going forward. Yeah. Yeah. Just wanted to --

COUNCILMEMBER U'U-HODGINS: Okay.

MR. ROWE: -- make that clear.

COUNCILMEMBER U'U-HODGINS: I appreciate that. Thank you very much. I wanted to ask the question about the baseline shortages of 060, right...the paragraph right above that. How do we establish a baseline? What...what is your guys' method there?

CHAIR COOK: Department?

MR. STUFFLEBEAN: Sure. And I would add that this section didn't change. This is already in the existing Code, but I can --

COUNCILMEMBER U'U-HODGINS: Okay.

MR. STUFFLEBEAN: -- I Eva can talk about how we . . .(timer sounds). . . do that.

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MS. BLUMENSTEIN: Yeah. I mean, there is the change in...so in the current Code, the water shortage is declared if the demand is projected to exceed certain percent, right? So, we don't really define the baseline in the current Code --

COUNCILMEMBER U'U-HODGINS: Okay.

MS. BLUMENSTEIN: -- but de facto, what we use is current production, you know. And we both...we...we haven't set a very descriptive language in --

COUNCILMEMBER U'U-HODGINS: Okay.

MS. BLUMENSTEIN: -- you know, how we project the shortage to occur. I mean, there's multiple triggers, and the water shortage plan, and then there's, you know, circumstances where we can and cannot apply them. So, I would say...I mean, we're looking at current production, looking back and trying to project forward what we're trying just to define, and we...honestly, I don't know, and I don't think Director know either where that...the original stage percentage points come...came from. There was nothing scientific about it, so this is --

COUNCILMEMBER U'U-HODGINS: Okay.

MS. BLUMENSTEIN: -- more just focusing in on where we need...what we need demand to land in relation to current production, current demand.

COUNCILMEMBER U'U-HODGINS: Thank you. Thank you, Mr. Goode. Thank you.

CHAIR COOK: Thank you, Member. And Member Rawlins-Fernandez, we'll go back to you. And welcome --

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. And mahalo...

CHAIR COOK: -- welcome on the floor.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo. Happy to be here on the floor, and mahalo for that flexibility, and letting me come out to the floor and save my questions until I get...got here. Okay. Let me turn this down real fast. Okay. I...I may have missed this...and aloha, Department, mahalo for being with us, and mahalo for this work on water conservation, it's so important. And as you've heard, it's important to us as well, and there's no shortage of ideas on how we can try to promote water conservation. So, I wanted to quickly clarify on the discussion, the questions that Member Paltin was asking Mr. Goode about the...the meters that Ledcor installed on their development. Is that different than the smart meters that the Department have...has been installing, and was that already clarified? I'm sorry if I missed that.

CHAIR COOK: Department?

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MR. STUFFLEBEAN: Chair? Yeah. So, I think he was talking about submetering, which means meters --

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, he was saying submeter.

MR. STUFFLEBEAN: -- so we...yeah, we have a meter at the property line.

COUNCILMEMBER RAWLINS-FERNANDEZ: Got it.

MR. STUFFLEBEAN: And then there's a number of...

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay.

MR. STUFFLEBEAN: Right. And just...I mean, we would strongly support additional submetering. There are some places now that are requiring it around the country. It is expensive to retrofit submetering, so we have to keep that...keep that in consideration.

COUNCILMEMBER RAWLINS-FERNANDEZ: And the submetering is for the landscaping?

MR. STUFFLEBEAN: No, submetering would be like each individual home...each individual home --

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, per unit.

MR. STUFFLEBEAN: -- within...within a condominium association or apartment gets --

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah.

MR. STUFFLEBEAN: -- their own meter, so they can --

COUNCILMEMBER RAWLINS-FERNANDEZ: Right.

MR. STUFFLEBEAN: -- find out exactly how much water they're using, which is very effective in water conservation. But again, to retrofit is...is expensive.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah, I think you and I talked about that --

MR. STUFFLEBEAN: Yeah. Right.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- before. Okay. Because we already do smart metering, and we're slowly rolling out that. How...is...is there any updates on that that --

MR. STUFFLEBEAN: Right.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- you want to share now?

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MR. STUFFLEBEAN: So, yeah, that project started, as...as Chair Lee mentioned, several years ago.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah.

MR. STUFFLEBEAN: And it's...it was...we are continuing to implement more, to install more and more smart meters as...as the budget, and the staffing, and so on allows. So, our intention is to have it...everybody's on smart meters as quickly as possible.

COUNCILMEMBER RAWLINS-FERNANDEZ: Right, just takes time and money. And then the xeriscaping, I don't know if I missed this in the presentation, but on O'ahu, their Board of Water Supply partners with different organizations that...because...like help to promote water conservation, such as Sierra Club. And they do distribution of xeriscaping, like free plant distribution, like once a year. Is that something that the Department may be interested in doing?

CHAIR COOK: Department?

MS. BLUMENSTEIN: Chair? Thank you for that question. We have worked closely with Maui Nui Botanical Garden --

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, okay.

MS. BLUMENSTEIN: -- and others over the years to either participate in the free tree giveaways, they sponsor free plants for us to be...we give away at the County Fair. So, there's different ways to engage with the public to do that. We...we are working with the Maui Nui Botanical Garden on a really exciting project for them to actually build, develop xeriscaping microclimate appropriate gardens to represent each microclimate of...of our island. So, that will be, you know, for the public to come and see what would it look like if I want to do xeriscaping and native-appropriate plants in Kula. Now, that...you can actually see that. So, that's underway.

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, great. Mahalo Maui Nui Botanical Garden for your focused partnership. Okay. And then in the presentation, you spoke about doing the smart flushing--sorry, I don't remember what it's called--toilets...low-flow.

MR. STUFFLEBEAN: Low-flow toilets. Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: And then how does that work? And would that include like some of the ideas, such as like...like hand washing over the tank so that . . . *(timer sounds)*. . . when you wash your hands, it can fill the tank?

CHAIR COOK: Department?

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MR. STUFFLEBEAN: I don't think we've got quite that cutting edge. I kind of like the idea. . . .*(laughing)*. . . You know, the idea here is that you get a rebate if...if you install a low...low-flow toilet. And we're looking at reimplementing that program.

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, okay. So, maybe we could do a rebate for like washing your hands over the...the tank. I can show you the one that I got. It's not that expensive.

MR. STUFFLEBEAN: Sure. I love it. Yeah, it's great.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Great. Mahalo, Chair. Yeah.

CHAIR COOK: Thank you. And...

COUNCILMEMBER RAWLINS-FERNANDEZ: And it's online.

CHAIR COOK: And Member Sinenci, discussion?

COUNCILMEMBER SINENCI: Thank you, Chair, for my opportunity. Thank you for the presentation. At the beginning, you mentioned that this bill repeals Chapter 14.06A and creates this new chapter. I...I haven't...sorry, I haven't seen 14.06A. Can you explain the differences?

MR. ROWE: Thank you for the question. Chair? So, 14.06A really deals with water shortages, and so we want to also include a conservation element into it. So, as...as it currently exists, 14.06A does include parts of what's going to be put into 14.06B, which is, you know, what goes on during a declared water shortage by the Department. But we wanted to add additional elements into it. And so, we just figured we would repeal it in its entirety, and re-put in the things regarding --

COUNCILMEMBER SINENCI: Conservation.

MR. ROWE: -- include conservation, as well as adding in the things that are already kind of in there for 14.06A. So, it's...it's...it's repealing, but it's really just adding to 14.06A, I guess, if that answers the question.

COUNCILMEMBER SINENCI: Yeah, thanks. And then were there anything that was left out from 14.06A that you didn't put back in?

MR. ROWE: I don't believe so. We just kind of renumbered it. And...and I think, if...if anything, we...we probably made it a bit stronger. Do you...

MS. BLUMENSTEIN: Yeah. I would say...I mean, it...it is what we just talked about, the...the shortage declaration moving from --

COUNCILMEMBER SINENCI: Okay.

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MS. BLUMENSTEIN: -- extent of predictable demand.

COUNCILMEMBER SINENCI: All right. Okay. Thank you. And then I can check back later. But...and then 14.06B.110, water conservation at commercial establishments. You include hotels, motels, resorts, and then there's some improvements...water-efficient indoor/outdoor fixtures, smart control irrigation systems, hiring professional landscapers, installing water-efficient laundry facilities, installing heating ventilation, air cooling systems. Have you spoken with the hotels? Is this...are they okay with...I guess, is...is this going to add to their...or is this just for new hotels, resorts?

CHAIR COOK: Department?

MS. BLUMENSTEIN: Yeah, thank you for that question. Yeah. So...so, we are engaging with hotels, and I think one of the testifiers mentioned...I mean, these are things that are generally already implemented. Those hotels are very energy efficient. Some of them are actually LEED certified. But again, I mean, we're having this more focus on hotels through the contract the Director mentioned earlier to really get, you know, that...that good feedback from them, making sure that...you know, what practices are in place, and are there ways that we can support them to be maybe even LEED certified in the future for those who are not. So, these are...so there's two sections here. I mean, there's requirements for existing resorts, and then the more stringent measures that...that you mentioned...I was going to say, it's the...for new, right...when there's a...you're putting in a new irrigation system, new landscape . . . *(inaudible)* . . . then...or...or a new resort for that matter, then these come into effect.

COUNCILMEMBER SINENCI: Because I know that we had, again, the...the...the higher-use tax bracket, and...and some of these hotels were in the...the high use...the high water use bracket. And so, I guess the intention for us to...to increase those tax rates was to, you know, push conservation. So, it sounds like they're...they're open to doing these things due to those tax hikes, Director?

MR. STUFFLEBEAN: Well, yeah. I would add that...yes, I mean, I think the...the increase . . . *(timer sounds)* . . . in the water rates would be a significant encouragement for them to use...be more conservative in water, which is why...which is why we did it. And I believe Council even went further than we were going to go, but which we thought was great. Thank you.

COUNCILMEMBER SINENCI: And then real quick, Chair. Golf courses...are the golf courses included in...for water conservation at commercial establishments?

CHAIR COOK: Not sure...Department?

MS. BLUMENSTEIN: We...we currently don't serve any potable water for any golf courses.

COUNCILMEMBER SINENCI: Oh.

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MS. BLUMENSTEIN: So...so, a golf course clubhouse would fall under commercial, but not the --

COUNCILMEMBER SINENCI: Got it.

MS. BLUMENSTEIN: -- the irrigation of the actual course.

COUNCILMEMBER SINENCI: Then...then you also don't serve agriculture establishments with potable water?

MS. BLUMENSTEIN: There's really only Kula Agriculture Park that is using nonpotable water from...from the Department system. So, other agriculture users on our system use potable water for sometimes nonpotable needs.

COUNCILMEMBER SINENCI: Okay. Thank you. Thank you, Chair. Oh.

CHAIR COOK: Thank you. Mr. Rowe?

MR. ROWE: So, if you look at 14.06B.110(D), it references back to commercial establishments means establishments used for commercial purposes as defined in 19.04.040. So, that's...you can...and if you want, I can...I can read that. I just need to . . .*(laughing)*. . . I just need to find it. So, commercial purposes means the growing, processing, manufacturing, or sale of products or goods, or the provision of services for consideration and profit. So, they're...they're...we...we reference back to a definition of it, so...

CHAIR COOK: Thank you. So, before we do the second round, Chair's question for the Department. The proposed chapter is titled Water Conservation and Control of Water During Water Shortage. But several provisions appear to apply at all times, including leak detection, education incentives, water waste prohibitions, and outdoor watering restrictions that applies regardless of whether water shortage is declared. Should the chapter title be revised to reflect the broader and ongoing scope, or is the intent of these provisions only applied during declared water shortages?

MS. BLUMENSTEIN: Thank you. Well, I don't have any strong feelings about it, but...but I think that...I mean, this is...this bill is kind of reflecting what the Water Shortage and Conservation Plan refers to as Stage Zero, you know, when we're...we can be in the...in the shortage situation, Stage One, Two, or Three. But these measures that are discussed and we're proposing now after the shortage declaration language is really like permanent conservation measure. So...so, I think what we're saying in...in the title, Relating to Water Conservation and Control of Water Use During Water Shortages, I think it captures the permanent measures. But...

CHAIR COOK: I mean, I'm very supportive of it. Thank you. That does clarify it. I just wanted to emphasize during the meeting that it is not just during water shortages, but this is the water conservation and control plan. So, Members, would you be receptive to a five-minute recess? Okay. We will reconvene at 10:50. . . .*(gavel)*. . .

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RECESS: 10:45 a.m.

RECONVENE: 11:09 a.m.

CHAIR COOK: ...*(gavel)*... Welcome back, Members. We will reconvene the WAI December 17th Committee meeting, and it is now 11:09. Members, second round of questions. Any need? Discussion for clarification? Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. I guess on the education and outreach, is it 100 percent through the consultant, or are you going to put like a mailer in with people's bill as well, or other things like that?

MS. BLUMENSTEIN: In terms of outreach, if this bill is passed?

COUNCILMEMBER PALTIN: Correct.

MS. BLUMENSTEIN: Yeah. So, it's...it's a separate contract for a consultant that really just address resorts. And then we...Staff are doing, I mean, a range of different kind of outreach. So, I mean, that's what we're saying. We just kind of have to ramp up.

COUNCILMEMBER PALTIN: Oh, the...the consultant is only for resorts and like condos like that, and then --

MS. BLUMENSTEIN: Yes.

COUNCILMEMBER PALTIN: -- you're going to do --

MS. BLUMENSTEIN: Yeah. Yeah, that's the second.

COUNCILMEMBER PALTIN: -- general education and outreach? Do you have enough budget for that?

MS. BLUMENSTEIN: I mean, it's more the staffing, really, time and staffing. And, you know, we still have vacancies, so it's really just time.

COUNCILMEMBER PALTIN: The South Maui Community Plan will be coming up soon, and I know they're currently working on the Central Maui Community Plan. Is any of these things need to be included in that?

MS. BLUMENSTEIN: Well, we do consult with Planning...Long-Range Division of Planning Department, so they're aware of...of...of the bill. I don't know if there's...I think it aligns pretty well with the draft strategies of the South Maui Community Plan now. I don't know that they need to reference each other.

COUNCILMEMBER PALTIN: Oh, okay.

MS. BLUMENSTEIN: Yeah.

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COUNCILMEMBER PALTIN: Because like, I mean, in terms of like education or something, no, nothing? And then the section where they were talking about native plants, and then it...it mentioned like maybe also canoe plants, or water-efficient plants. Is there any objection to adding "appropriate" in front...appropriate native plants, canoe plants, or water-efficient plants?

MR. STUFFLEBEAN: No objection.

COUNCILMEMBER PALTIN: Okay. What about like requiring submetering for new multifamily or commercial properties?

MR. STUFFLEBEAN: I...I like the idea. I mean you might want to talk to the building folks about that. That's a pretty big deal.

COUNCILMEMBER PALTIN: So, maybe like a later bill or something. The other one I was talking...or thinking about amending was, instead of a newspaper of general circulation, could we do media...just media? Because I think we ran into that issue also with the posting of public hearings, that they said *Star Advertiser* is really expensive. And just putting media of general circulation could be like social media or other, radio or whatever, and it just gives more flexibility.

MR. ROWE: So, the only...if we're going to do that, I would remove the term "publication" and just, you know --

COUNCILMEMBER PALTIN: Media.

MR. ROWE: -- put...put...put some other word in there because publication . . .(timer sounds). . . if we don't specifically define it in the legislation, it goes back to what the HRS states, and the HRS states...so...

COUNCILMEMBER PALTIN: Okay. I have one more.

CHAIR COOK: Okay. Proceed.

COUNCILMEMBER PALTIN: On 14.06B.100(D), we've had a flooding incident in my former job where the whole storage flooded. And really, the only way to clean out mud like that is to use water. Could that be an exception as well, like cleaning up after an indoor flooding incident?

MR. STUFFLEBEAN: Yeah. I think that's covered under the is necessary for public health and safety.

COUNCILMEMBER PALTIN: Oh, okay. Okay.

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MR. ROWE: And...and I would also say there's also...there's one about use in...I'm sorry, which one. I was just looking at it. Yeah, the public safety one, and then there's also repairs and maintenance activities.

COUNCILMEMBER PALTIN: Oh, so it --

MR. ROWE: Yeah.

COUNCILMEMBER PALTIN: -- would be already covered?

MR. ROWE: I would think that that would go under maintenance activities, yeah.

COUNCILMEMBER PALTIN: Okay. Thank you. That's it. That's all from me.

CHAIR COOK: Members, any other...Member U'u-Hodgins?

COUNCILMEMBER U'U-HODGINS: Thank you, Chair. I wanted to ask the question about the subdivisions, the one Mr. Goode brought up earlier. So, that's on...well, at least on your ASF, that's on page 14, paragraph C. The statement must include landscapes...landscape design, irrigation, and water conservation measures as required under the chapter. Can you define what the statement you're going to be looking for? Is that just a paragraph, is that a sentence? What...what are you going to be looking for in this statement? *(pause)* That's your added new language.

MR. ROWE: . . .*(inaudible)*. . .

CHAIR COOK: Please.

MR. ROWE: So, under the...the...what it...currently exists, right, it already requires a statement regarding the water system. So, they're just asking to include in that landscape design, irrigation, and water conservation member *[sic]* --

COUNCILMEMBER U'U-HODGINS: Measures.

MR. ROWE: -- measures. I think that we can probably clarify that in admin rules --

COUNCILMEMBER U'U-HODGINS: Okay.

MR. ROWE: -- at...at a later point, but I...I would defer to the Department on that, but I think that would be the better way to go about going through...you know, if...if we have an admin rule that specifies what needs to be included in the statement, that would be a better place to do it.

COUNCILMEMBER U'U-HODGINS: Okay. And then when...because this is for a subdivision. The subdivision's obviously just...unfortunately, it's lines on a piece of paper. That takes a long time. And then you go through the building permit requirement, and they're going to require an LPAP in Planning. How is this going to be

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in line with the LPAP when they have to do that? If they...if it...like let's say it's commercial and not residential. Do you know? The landscape parking plan that requires some irrigation requirements, did you guys coordinate the LPAP to this as well, and what happens to the LPAP during times of conservation? Do you know?

MR. ROWE: I will admit, I did not consider that when I --

COUNCILMEMBER U'U-HODGINS: Oh, okay.

MR. ROWE: -- was reviewing this bill. . . .(laughing). . .

COUNCILMEMBER U'U-HODGINS: Okay.

MR. ROWE: So...

COUNCILMEMBER U'U-HODGINS: I mean, it is quite nuanced, but...right? When we do...when we do a commercial subdivision, and you have to do your parking plan, it...you required...you're required an LPAP, your landscape parking plan, and so I'm just wondering how that lines up, and then how that would work with your statement. But my other question that I had, separately to all the questions that Mr. Goode asked, was how did you folks work with the other departments? And I was going to bring up the LPAP with planning, so...okay.

MS. BLUMENSTEIN: Yeah. Frankly, as the Director gave credit in the beginning, there's a Staff member --

COUNCILMEMBER U'U-HODGINS: Right.

MS. BLUMENSTEIN: -- that has worked --

COUNCILMEMBER U'U-HODGINS: And he's --

MS. BLUMENSTEIN: -- on the...yeah --

COUNCILMEMBER U'U-HODGINS: -- in...stuck in travel hell.

MS. BLUMENSTEIN: -- both on the engagement. So, I...I can't refer to him because he's not here.

COUNCILMEMBER U'U-HODGINS: Okay.

MS. BLUMENSTEIN: I do know that...yeah, there was engagement between...I mean, I just know for the Planning Department, not with...with Public Works, and DSA, and...and our own Engineering Division, of course, like really how we're going to process what...you know, who is the...this burden of administering this Code --

COUNCILMEMBER U'U-HODGINS: Okay.

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MS. BLUMENSTEIN: -- falling on, so...

COUNCILMEMBER U'U-HODGINS: Okay. I know in the LPAP, I think they require some drip irrigation, so perhaps in your admin rules, you can align it in there. I don't know if that's how it works, but I don't want to hold up all the things just for an LPAP. So, I'm hoping that there's another side path...side quest we can do to make that coordinate so we don't have mismatching requirements throughout the County. *(pause)* Oh, okay. That face says that you have something to add now.

UNIDENTIFIED SPEAKER: ...*(laughing)*...

COUNCILMEMBER U'U-HODGINS: Okay. And we're...you're going to define that in the admin rules, and then the admin rules are going to be posted on your website before this is implemented, or as this is being implemented so that people can have something to follow along, yes?

MR. ROWE: So, we're going to be, you know, hopefully passing this ordinance, and then we're going to develop admin rules, and we're --

COUNCILMEMBER U'U-HODGINS: Okay.

MR. ROWE: -- going to go through the normal process of admin rules where they're posted for --

COUNCILMEMBER U'U-HODGINS: Yeah.

MR. ROWE: -- they have to be published 30 days in advance, and then there's going to be a public meeting, and et cetera. So, we're...we're going to go through that process.

COUNCILMEMBER U'U-HODGINS: Okay. Because this ordinance takes effect on approval, so this is going to be, you know, within the next few weeks. How long are you going to take to develop admin rules for the details? And do you want to make it that this takes effect on some date that works better when admin rules are pau, and you can let the public know how you folks are going to be administering this?

MR. STUFFLEBEAN: Sure. I would think it would be effective maybe in two or three months between...from adoption so we have time to develop the admin rules would make sense.

COUNCILMEMBER U'U-HODGINS: March, 2026?

MR. STUFFLEBEAN: March 1st, yeah.

COUNCILMEMBER U'U-HODGINS: Okay.

MR. ROWE: They're keeping me employed.

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COUNCILMEMBER U'U-HODGINS: Oh, good. We need you, so I'm glad they're giving you work. Thank you.

CHAIR COOK: Thank you. Member Sinenci, do you have any questions?

COUNCILMEMBER SINENCI: I see Member Johnson has his hand up, I can go after him.

CHAIR COOK: Okay. My apology. Member Johnson?

COUNCILMEMBER JOHNSON: Sorry, Chair, if you're going down the line, I can wait my turn, but I...

CHAIR COOK: I confess I was not going down the line, I was just going next to Nohe.

COUNCILMEMBER JOHNSON: Oh.

CHAIR COOK: Hand up, please? Your questions.

COUNCILMEMBER JOHNSON: Okay. Well, after hearing the Director's comments in regards to if we do do...require more stricter wording on pool covers, then maybe we need a little bit of time for a phase-in. So, I came up with some language, and I just want to read it, and then maybe the Department and...and Corporation Counsel can speak on it. But basically...and it's on page 11 in the bill, and I'll read the numbers again. 14.06B, as in bravo, 150, swimming pools, Section A, pool covers must--and we would strike out the word "should"--and that's all the amendment would be for that. But then we get into Section 2, it says for private swimming pools when not in use--and here's the new language--during the day, homeowners may be exempt from this provision for one year from the effective date of this ordinance. So, that would be the language that I would propose an amendment, and I'd like to hear if that would satisfy Director's concern about the rolling out or the phasing out, and also Corporation Counsel.

MR. STUFFLEBEAN: So, I can support...the Department can support that. I just would say that that...that's placing a pretty good burden on a lot of people to get covers, but...but it would certainly do a lot for...for...for water conservation. So, the Department would support that.

COUNCILMEMBER JOHNSON: Okay. Before I hear from Corporation Counsel, I will say I did...Google's my friend, and I did a Google search, and there are universal pool covers, there are folding pool covers, there are flaps of pool covers that you can cut and shape to your kidney-shaped pool or however-shaped pool you have, but there are products on the market for very unique pools, I just throw that out. Corporation Counsel, what do you think?

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MR. ROWE: I...I was going to say that I'm not...I'm not particularly concerned about there being any sort of challenge to that because they're still allowed to...it's still an allowable use, it's just a restriction on the use.

COUNCILMEMBER JOHNSON: Okay.

MR. ROWE: So, it doesn't raise, you know, concerns about...property taking, for example. So, I'm not concerned about that as far as the phasing. I'd defer to the Department on enforceability of it. And...and so, that...that's kind of where...where I am. But as far as including that language, I don't see a legal problem with including that language, it's an enforcement issue.

COUNCILMEMBER JOHNSON: Okay. I...I just recalled something about...that was my...we...we had an internal discussion about the term that we were amending on Section 2, it says, homeowners may be exempt from this provision for one year. How about instead of homeowners, would property owners have a bit more of a wider...you know, better wording, property owners versus homeowners? Because I don't want to get into the idea of, you know, what's a home. But just if you own the pool, you...you got to do it. So, how's that? Does that sound a little bit better, property owners instead of homeowners?

MR. ROWE: From an enforceability standard, that's much better, yes. Because we don't have to --

COUNCILMEMBER JOHNSON: Okay.

MR. ROWE: -- distinguish --

COUNCILMEMBER JOHNSON: Thank you. that...

MR. ROWE: -- you know, if...if someone's an owner, you know. So, yeah.

COUNCILMEMBER JOHNSON: Right. Okay. So, that would be my amended language once we get to that phase of this discussion, Chair Cook. That's all I got. Thank you so much.

CHAIR COOK: Okay. Members, any other questions before...Member Sinenci?

COUNCILMEMBER SINENCI: Thank you, Chair. Just for clarification, this is for Countywide, yeah? This...this will apply to all districts?

MR. STUFFLEBEAN: Yeah. I believe it only applied to those areas in which the County provides water...in the...

COUNCILMEMBER SINENCI: Oh, provides.

MR. STUFFLEBEAN: -- Countywide service area.

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COUNCILMEMBER SINENCI: Okay. Because...because it does seem that...and I guess South Maui has a lot of, I guess, the swimming pools, and commercial, all the hotels, so...and I'm only bringing it up because oftentimes, when we do have water restrictions, it's not always here in South Maui where there's...where there's a need, right? So, I like this...this bill. But oftentimes, Upcountry residents are subject to the water restrictions, and...and not South Maui. Is there...I mean, I...and I...I like this because it's...it's addressing, you know, water use in...in...down in South Maui. I just wanted to make that statement, Chair, that we get a lot of correspondence from...from people Upcountry that have to be on water restrictions during the drought time, so... Okay. Thank you.

CHAIR COOK: Any comments from the Department?

MR. STUFFLEBEAN: No. Caleb?

MR. ROWE: I would just add that in 14.06B-020 [sic], we...we specify when this language would apply, so it would...it would be to potable water customers of the Department, customers of private operate...well, it's all customers of the Department, and then customers of private water operators who are subject to these conditions as a result of an agreement between the private operator and the County, or as a condition of a land use entitlement. So, we...we're...we're trying to make this as broad as possible, but the...the Department is limited in its ability to enforce...enforce rules by the Charter.

CHAIR COOK: Members, any other questions before we recommend passage? Okay. So, seeing no further discussion, we'll move on to decision-making. The Chair would like to entertain a motion on recommending passage of Bill 158 on first reading.

VICE-CHAIR SUGIMURA: So move.

CHAIR COOK: So moved by Member Sugimura.

COUNCILMEMBER U'U-HODGINS: Second.

CHAIR COOK: Seconded by Member U'u-Hodgins to recommend passage of Bill 150...158 (2025), on first reading. Members, any discussion before I move on to my amendment summary form? Member Paltin?

COUNCILMEMBER PALTIN: Sorry. I had an amendment, but I'll wait until your amendment summary form.

CHAIR COOK: Okay. Members, your Chair would like to entertain a motion to substitute Bill 158 (2025), with the proposed CD1 version, incorporating the amendments referred to in the ASF's description.

VICE-CHAIR SUGIMURA: So move.

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COUNCILMEMBER U‘U-HODGINS: Second.

CHAIR COOK: Moved by Member Sugimura, second by Member U‘u-Hodgins to substitute Bill 158 with the proposed CD1 version. Members, this ASF amends the bill’s title and purpose statement. It clarifies definitions in Sections 14.01.040, and removes unused definitions. Amends Section 14.06B.090 to rename commercial facilities to nonresidential establishments for...for outdoor watering schedules, and clarifies that permanent landscape restrictions apply unless a specific water shortage declaration overrides them. Deletes references to Title 19 water conservation provisions, and limits substantive water conservation requirements to Title 14. Revises enforcement provisions by consolidating penalties, appeals, and service shutoff authority within Section 14.06B.160. And expressively [*sic*] excluding Chapter 14.06B from Title 19, administrative enforcement. Makes conforming amendments and nonsubstantive and technical revisions for clarity, consistency, and style. Is there any discussions?

COUNCILMEMBER PALTIN: Oh, moved...so moved.

CHAIR COOK: Okay. For...okay. I guess there’s a...bear with me.

COUNCILMEMBER PALTIN: Oh.

CHAIR COOK: And discussing. So, in item one, amending the bill’s title and purpose of statement. After the discussion during our break, it’s to remove the conservation aspect of the...hold on a minute (*pause*) so striking “during water shortages.” So, it would be “A Bill for an Ordinance Amending Title 14, Article 1, Maui County Code, Relating to Public Services, Repealing Chapter 14.06A, and Establishing a new Chapter 14.06B Relating to the Water Conservation and Control of Water Use.”. The “during water shortages” is already engaged, but this particular bill will be active at all times, and not just during water shortages, so clarification of that. Okay.

MS. NAKATA: Excuse me, Chair.

CHAIR COOK: Please.

MS. NAKATA: I believe the title that you were wanting to address was the chapter title, as opposed to the bill title. So, that --

CHAIR COOK: Could you state that?

MS. NAKATA: -- the chapter title, I believe that you were wanting to remove the phrase “and control of water use during water shortage,” so that the title of Chapter 14.06B would simply be Water Conservation.

CHAIR COOK: Department? That works?

UNIDENTIFIED SPEAKER: . . .(*inaudible*). . .

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CHAIR COOK: Okay. Mr. Rowe?

MR. ROWE: . . .*(inaudible)*. . . Thank you, Chair.

CHAIR COOK: Okay. So, is the body...the body okay with that?

VICE-CHAIR SUGIMURA: Yeah.

CHAIR COOK: Okay. So, it was a motion...amendment was made...was approved by Member Paltin, seconded by Member U‘u-Hodgins. Okay. All in favor?

VICE-CHAIR SUGIMURA: Oh, wait.

COUNCILMEMBER PALTIN: Oh.

VICE-CHAIR SUGIMURA: She has more.

COUNCILMEMBER PALTIN: I have an...I have a --

CHAIR COOK: Okay.

COUNCILMEMBER PALTIN: -- few amendments.

CHAIR COOK: Please. Okay. Member Paltin?

COUNCILMEMBER PALTIN: Okay. For my first amendment...

MS. NAKATA: Excuse me, Chair.

COUNCILMEMBER PALTIN: Oh.

MS. NAKATA: Apologies for the interruption. Was that a motion to amend the bill’s title?

COUNCILMEMBER PALTIN: To substitute the ASF.

MS. NAKATA: So, there was already a motion made to substitute the bill with the proposed CD1. And then I believe the Chair was looking for a motion to amend the title of the chapter to read “Water Conservation.”

CHAIR COOK: Correct.

COUNCILMEMBER RAWLINS-FERNANDEZ: So moved.

COUNCILMEMBER U‘U-HODGINS: Second.

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CHAIR COOK: Okay. So moved by Member Rawlins-Fernandez, seconded by Member U‘u-Hodgins. So, we pass this, and then do another amendment. Okay. All in favor of the amendment?

COUNCILMEMBERS: Aye.

CHAIR COOK: Okay.

MR. HURDLE: Chair, that’s seven “ayes,” zero “noes,” Member Lee excused.

VOTE: AYES: Chair Cook, Vice-Chair Sugimura, and Councilmembers Johnson, Paltin, Rawlins-Fernandez, Sinenci, and U‘u-Hodgins.

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmember Lee.

MOTION CARRIED.

ACTION: APPROVE amendment.

CHAIR COOK: Member Paltin?

COUNCILMEMBER PALTIN: Sure. I, a little bit, played around with the wording, but on Section 2, 14.01.040, number 6, which is near the top. I think it’s on page 2. Number 6, I’d like to amend it to say, xeriscaping with water-efficient native, canoe, or noninvasive plants. Sure.

CHAIR COOK: Could you repeat that?

COUNCILMEMBER PALTIN: Section 2, 14.01.040, number 6, to amend that to say, xeriscaping with water-efficient native, canoe, or noninvasive plants.

COUNCILMEMBER RAWLINS-FERNANDEZ: Second.

CHAIR COOK: Okay. Motion made by Member Paltin.

COUNCILMEMBER PALTIN: With commas.

MS. NAKATA: Excuse me, Chair.

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COUNCILMEMBER PALTIN: Yeah.

CHAIR COOK: Yeah.

MS. NAKATA: Excuse me, Chair.

CHAIR COOK: Motion made by...

MS. NAKATA: Oh. Chair, apologies. Is Member Paltin referring to the definition of water-efficient?

COUNCILMEMBER PALTIN: Yes.

MS. NAKATA: Number 6 under the definition of water-efficient. So, you would use water-efficient within the definition of water-efficient?

COUNCILMEMBER PALTIN: Yeah, because it's already there. I just moved it to the front. Because it...otherwise, the way it says is, xeriscaping with native plants or water-efficient plants.

MS. NAKATA: I see. Thank you, Chair.

COUNCILMEMBER PALTIN: And I think not all native plants are water-efficient, and neither are all canoe plants. And then we don't want people to use invasive plants. So, I was playing around with it in my head.

COUNCILMEMBER U'U-HODGINS: Chair, can I ask her a quick question? During --

CHAIR COOK: Please.

COUNCILMEMBER U'U-HODGINS: -- discussion, you were going to maybe add, where appropriate. Are you still planning on doing that, or...

COUNCILMEMBER PALTIN: I thought it would be subjective --

COUNCILMEMBER U'U-HODGINS: Okay.

COUNCILMEMBER PALTIN: -- to...it was going to be appropriate native plants, but then I was like, appropriate native plants are water-efficient native plants.

COUNCILMEMBER U'U-HODGINS: Okay. Sounds good. Thank you.

CHAIR COOK: Okay.

MS. NAKATA: So, number 6 would read, xeriscaping with water-efficient native, canoe, or noninvasive plants. Thank you.

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COUNCILMEMBER PALTIN: Thank you. We'll see how this one goes. I move to amend 14.06B.040, and create a new Section D that would say, new commercial and multifamily residential property served by public or private water systems are encouraged, where appropriate, to be built with submetering.

COUNCILMEMBER U'U-HODGINS: Second.

CHAIR COOK: So moved by Member Paltin, and seconded by Member Hodgins...U'u-Hodgins. And basically...

COUNCILMEMBER PALTIN: I was going to require it, but encouraged, I think, will pass.

CHAIR COOK: I...I concur.

COUNCILMEMBER U'U-HODGINS: Can I ask a clarifying question on that amendment?

CHAIR COOK: Please.

COUNCILMEMBER U'U-HODGINS: Are you going to request in-unit? Because those are the ones that cheaper...those are cheaper, as discussed, or the...the landscaping one that apparently run upwards of like \$50,000?

COUNCILMEMBER PALTIN: The in-unit ones.

COUNCILMEMBER U'U-HODGINS: In-unit.

COUNCILMEMBER PALTIN: Because I...I feel like the education part applies to it. If people know individually how much they would be charged --

COUNCILMEMBER U'U-HODGINS: Okay.

COUNCILMEMBER PALTIN: -- then they would be incentivized to conserve.

COUNCILMEMBER U'U-HODGINS: Okay. Then before you say submetering, did you want to add in-unit submetering?

COUNCILMEMBER PALTIN: I'd love to add that as a friendly amendment.

COUNCILMEMBER U'U-HODGINS: Okay.

MS. NAKATA: So, Chair, Staff has, new commercial...oh, I'm sorry, amending Section 14.06B.040 to add a new Subsection D to read, new commercial and multifamily residential property served by public or private water systems are encouraged, where appropriate, to be built with in-unit submetering.

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CHAIR COOK: Yes. Okay. Any further discussion before we vote? All in favor, raise your hand and say “aye.”

COUNCILMEMBERS: Aye.

MR. PASCUAL: Chair, seven “ayes,” zero noes, one excused. The motion passes. Chair Lee is excused.

VOTE: AYES: Chair Cook, Vice-Chair Sugimura, and Councilmembers Johnson, Paltin, Rawlins-Fernandez, Sinenci, and U‘u-Hodgins.

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmember Lee.

MOTION CARRIED.

ACTION: APPROVE amendment.

MR. PASCUAL: So, you are now back to the motion to substitute as amended.

CHAIR COOK: Okay. Member Paltin?

COUNCILMEMBER PALTIN: Moving on to Section 14.06B.060(A), 1 through 3, I’d like to add to the 10, 20, and 30 percent to say, 10 percent of current use, 20 percent of current use, 30 percent of current use, to clarify for --

CHAIR COOK: Okay.

COUNCILMEMBER PALTIN: -- Mr. Goode.

CHAIR COOK: I see the Department’s in concurrence with that, so that’s your motion. Is there a second?

VICE-CHAIR SUGIMURA: Second.

CHAIR COOK: Seconded by Member Sugimura. Any discussion? Seeing none. All in favor, raise your hand, say “aye.”

COUNCILMEMBERS: Aye.

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MR. PASCUAL: Chair, seven “ayes,” zero noes, one excused, Chair Lee. Motion passes.

VOTE: AYES: Chair Cook, Vice-Chair Sugimura, and Councilmembers Johnson, Paltin, Rawlins-Fernandez, Sinenci, and U‘u-Hodgins.

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmember Lee.

MOTION CARRIED.

ACTION: APPROVE amendment.

MR. PASCUAL: Back to the main...back to the motion to substitute as amended.

CHAIR COOK: Okay. We’ll...I will get to you, Member Johnson. Member Paltin?

COUNCILMEMBER PALTIN: For...I move to amend Section 14.06B.070 to say A...in...in...Section A, sorry, a notice of water shortage declaration must be in a media...posted in a media of general circulation, on the County’s website, and to the extent possible, other available public media in the County, once a week...once each week for as long...so on and so forth. Instead of newspaper, just media.

CHAIR COOK: Okay. Any comments from the attorneys? Does that work? Mr. Rowe?

MR. ROWE: My only comment, and I...I believe Member Paltin did address that, if we remove the term “published,” and we just post it in media, I...I think that...that helps us. Because when we use the term “published,” if we don’t specify what published means, then we refer back to the HRS, which has different requirements, so... But if we don’t use the term “published,” I think we’re fine.

CHAIR COOK: Okay. Okay.

COUNCILMEMBER PALTIN: I’m on a roll.

CHAIR COOK: Yeah.

UNIDENTIFIED SPEAKERS: . . .*(laughing)*. . .

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CHAIR COOK: Do I have a second?

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair?

CHAIR COOK: Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, second, and then I have a question.

CHAIR COOK: Question, continue.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Mahalo, Chair. I heard “a” media. I think...I think media is plural. So, it would be all medium or media without an “a.” If I heard that correctly. Just grammar, and I could be wrong, because English is hard.

COUNCILMEMBER PALTIN: How’s a medium? Do you guys want medium or media? I’m open, either one.

UNIDENTIFIED SPEAKER: Media.

COUNCILMEMBER PALTIN: Media. And posted in media. Okay. Final answer.

CHAIR COOK: Comments from the --

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Mahalo.

CHAIR COOK: -- attorneys before we proceed? If that’s fine with you? Okay. So, we have first...a motion by Member Paltin. We had a second by --

COUNCILMEMBER PALTIN: KRF. Keani.

CHAIR COOK: -- by Member Rawlins-Fernandez. So, all in favor, raise your hand and say “aye,” if there’s no discussion.

COUNCILMEMBERS: Aye.

MR. PASCUAL: Chair, seven “ayes,” zero “noes,” one excused, Chair Lee. Motion passes.

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VOTE: **AYES:** **Chair Cook, Vice-Chair Sugimura, and Councilmembers Johnson, Paltin, Rawlins-Fernandez, Sinenci, and U‘u-Hodgins.**

NOES: **None.**

ABSTAIN: **None.**

ABSENT: **None.**

EXC.: **Councilmember Lee.**

MOTION CARRIED.

ACTION: APPROVE amendment.

MR. PASCUAL: Back to the motion to substitute as amended.

MS. NAKATA: Chair? Staff would just ask Corporation Counsel, the second sentence of 14.06B.070(A) does still have the word published. Are you okay with that?

COUNCILMEMBER PALTIN: I'd like to change it to posted. Will be posted at least seven calendar days before the water shortage declaration takes effect. If we can friendly amend it...amend that, that would be cool.

COUNCILMEMBER RAWLINS-FERNANDEZ: No objections.

CHAIR COOK: Basically having C match A. Any further discussion? Is that . . . *(inaudible)* . . .

COUNCILMEMBER PALTIN: Oh, sorry, I was looking in the...the other part. I guess I move to replace everywhere it says "published here" with "posted."

COUNCILMEMBER U‘U-HODGINS: Second.

CHAIR COOK: Okay. Chair is pausing for confirmation from the attorneys and the powers that be. If there's an agreement and no further discussion, we'll take a vote. Okay. All in favor, raise your hand and say "aye."

COUNCILMEMBERS: Aye.

MR. PASCUAL: Chair, motion passes, seven "ayes," zero "noes," one excused. Chair Lee excused.

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VOTE: **AYES:** **Chair Cook, Vice-Chair Sugimura, and Councilmembers Johnson, Paltin, Rawlins-Fernandez, Sinenci, and U‘u-Hodgins.**

NOES: **None.**

ABSTAIN: **None.**

ABSENT: **None.**

EXC.: **Councilmember Lee.**

MOTION CARRIED.

ACTION: **APPROVE amendment.**

MR. ROWE: Chair? If I may, it looks like in 14.06B-080 [sic] we also refer to publication in a newspaper of general circulation. So, I’m wondering if Member Paltin wants to also potentially do an amendment to that based on her thoughts on the previous amendment.

COUNCILMEMBER PALTIN: Yes, I’d like to...I move to replace everywhere in this bill where it says “published in a newspaper of general circulation in the County” to say “posted in media of general circulation in the County.”

COUNCILMEMBER U‘U-HODGINS: Second.

CHAIR COOK: Okay. Motion made by Member Paltin, and seconded by Member U‘u-Hodgins to have this read...clarify that everywhere where it says “published,” it’s going to say posted in media. Okay. If no further discussion, all those in favor, raise your hand and say “aye.”

COUNCILMEMBERS: Aye.

MR. PASCUAL: Chair, you have seven “ayes,” zero “noes,” one excused, Chair Lee. Motion passes.

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VOTE: **AYES:** **Chair Cook, Vice-Chair Sugimura, and Councilmembers Johnson, Paltin, Rawlins-Fernandez, Sinenci, and U‘u-Hodgins.**

NOES: **None.**

ABSTAIN: **None.**

ABSENT: **None.**

EXC.: **Councilmember Lee.**

MOTION CARRIED.

ACTION: APPROVE amendment.

COUNCILMEMBER PALTIN: I have three more.

CHAIR COOK: It's only ten bucks a pop. Okay. Member Paltin, proceed.

COUNCILMEMBER PALTIN: I move in Section 14.06B.090(A) number 5 to say, spray irrigation must be avoided or delayed on days when the average wind exceeds 45 miles per hour? Is that too much? 30?

MR. STUFFLEBEAN:: Yeah, 30.

COUNCILMEMBER PALTIN: 30 miles per hour, I meant.

MR. ROWE: Chair, if I could just clarify that is Section B, not Section A.

COUNCILMEMBER PALTIN: Oh, my bad.

MR. ROWE: Yeah.

COUNCILMEMBER PALTIN: Section B, sorry.

MR. ROWE: Thank you.

COUNCILMEMBER PALTIN: Put a number on it, you know?

CHAIR COOK: Okay. That was the motion. Is there a second before discussion?

VICE-CHAIR SUGIMURA: Second.

CHAIR COOK: Seconded by Member Sugimura. Chair's comment for discussion would be as opposed to a number, it's the intent not to...not to be over-spraying on...as far as...I

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don't know. It's whatever the Department can enforce as far as the...visually you're spraying the sidewalk and the road, as opposed to, you know, the wind speed varying. And I'm not trying to make it complicated, I'm just trying to make it easier to enforce, and for the general public to understand that if there's a sprinkler spraying on the road, whether it's a rainy day...it's a windy day or not, that's kind of not okay. But I'm not stuck on this, I just bring it up for discussion.

COUNCILMEMBER PALTIN: Yeah. I just was...I just suggested that in response to our resource, Mr. Goode, but we can...can we ask him his thoughts still?

CHAIR COOK: Yeah. Mr. Goode, do you have a comment in regarding clarification on a number, or excessive, or how to address that, that it's enforceable and the general public would be able to follow it?

MR. GOODE: Thanks, Chair and Member Paltin. I...I just thought it kind of as an enforcement thing, what's excessive. And...and I'm thinking also that, you know, golf courses--I think Member Sinenci brought that up earlier--they...they have their own sources of water, not County water, but they all spray at night and all types of wind. So, I don't know. Of all the things that are saving water here, is this...is this really needed? And it looks kind of, you know, unenforceable, no matter what number you put in there. Those are my thoughts.

MR. STUFFLEBEAN: Chair? I suggest changing the word --

CHAIR COOK: Director?

MR. STUFFLEBEAN: -- must to should.

COUNCILMEMBER PALTIN: Oh, I will take that as a friendly amendment. Spray irrigation should be avoided or delayed during days where the wind average is 30 miles per hour.

CHAIR COOK: Okay. Was moved by Member Paltin, seconded by Member Sugimura. Any further discussion? If none, all in favor, raise your hand and say "aye."

COUNCILMEMBERS: Aye.

MR. PASCUAL: Chair, seven "ayes," zero "noes," one excused, Chair Lee. Motion passes.

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VOTE: **AYES:** **Chair Cook, Vice-Chair Sugimura, and Councilmembers Johnson, Paltin, Rawlins-Fernandez, Sinenci, and U‘u-Hodgins.**

NOES: **None.**

ABSTAIN: **None.**

ABSENT: **None.**

EXC.: **Councilmember Lee.**

MOTION CARRIED.

ACTION: APPROVE amendment.

MS. NAKATA: Chair? Apologies, could Staff just clarify that wording was “spray irrigation should be avoided or delayed on days when the average wind speed is 30 miles per hour?”

COUNCILMEMBER PALTIN: More than.

MS. NAKATA: Okay. Thank you.

CHAIR COOK: Okay.

COUNCILMEMBER PALTIN: Two more.

CHAIR COOK: Staff, are we all good with that, and ready to move on to the next? Okay. Member Paltin?

COUNCILMEMBER PALTIN: Thank you. Next, Section 14.06B.120. I move to amend the wording after the header new irrigation systems to say, “all commercial, hotel, multifamily residential, public use developments, single-family lots in excess of half an acre, and ag lots five acres or less on the nonagricultural portion of the lot must install water-efficient irrigation systems if they are,” and then so on and so forth. So, also from our resource, adding in single-family residents on properties greater than a half-acre and ag lots on the nonag portion for lots less than...five acres or less. And I’ll need a second.

CHAIR COOK: Okay. That’s a motion. A second?

COUNCILMEMBER SINENCI: Second.

CHAIR COOK: Seconded by Member Sinenci. And now for discussion. Member Sugimura?

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VICE-CHAIR SUGIMURA: I want to hear from the Department.

CHAIR COOK: Department's comment.

MR. STUFFLEBEAN: Yeah, obviously, I...I like the idea. I'm concerned about this bill already adds a lot of enforcement load on the Department, and this seems like it would be a significant increase in that, that's my concern. Again, I like the idea, but I'm concerned about our ability to enforce.

COUNCILMEMBER PALTIN: I...I understand that. You know, look at our zoning laws and drive around my neighborhood. But, you know, for those that come into self-compliance, it could be a significant reduction. So, I can understand that it won't be strictly enforced, but I think it is a good...or best policy.

CHAIR COOK: So, instead of "must," could you put "encouraged?"

COUNCILMEMBER PALTIN: Well, that would change the part about commercial, hotel, multifamily residential, and public use developments because that one...that part says must.

CHAIR COOK: Right.

COUNCILMEMBER PALTIN: I mean, I think the easiest way for them to enforce on single-family lots greater than half an acre or agricultural properties five acres or less on the nonagricultural portion is similar to zoning by complaint. So, if we leave it as must, and somebody sees their neighbor doing...installing irrigation, and they file a SeeClickFix or something, then it doesn't take that much more effort on the Department's fault...Department's side, other than replying to the SeeClickFix and checking it out. It's not like they're going to be driving around ag subdivisions and stuff.

CHAIR COOK: So, any other comments for discussion before the Chair's...Member Sugimura?

VICE-CHAIR SUGIMURA: Thank you. Can we hear from Mr. Goode, what he thinks as a practical user of all of this?

COUNCILMEMBER PALTIN: It was his suggestion.

CHAIR COOK: Mr. Goode, did you hear Member Paltin's suggestion?

VICE-CHAIR SUGIMURA: Oh, I didn't know it was his suggestion.

MR. GOODE: Yeah. Actually, I'm thrilled working with Mrs. Paltin...Ms. Paltin on...this is great. I think that, in general, where the Department would see that it would be in a plumbing permit application, right? So, if someone's redoing their landscaping, and they...and part of that may require a plumbing permit. So, those plumbing permits

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would be for the Department. My recollection is there's not a lot of plumbing permits for, you know, new irrigation...we're talking about new redo irrigation. And so, I think the workload is probably less than the Director might think it is. So, my...my vision was more like redo, not for all existing uses. So, that's...that's all my comments.

VICE-CHAIR SUGIMURA: Oh, good.

CHAIR COOK: Okay. The Chair's comment is concerned about policies that are affected by complaint-driven. And I think in the Planning Department and ZAED, that's a challenge. It can put the burden on the Department to put kind of a somewhat ugly aspect of what they're doing. They're supplying water, and they're encouraging people to do it. So, that's my only problem, is the enforcement aspect of it. For new, it seems like it'd be much more...much more applicable.

COUNCILMEMBER PALTIN: Yeah. This is new...the section is new irrigation systems, and what Mr. Goode said, I didn't take into consideration that it would be applying for a permit to install a new irrigation system. So, they can check it off at that time, I guess, instead of complaint-driven.

CHAIR COOK: Okay. Any other further discussion?

MS. NAKATA: Chair? Apologies. Could Staff just ask for some clarification? So, the phrase is being added "after and public use developments;" is that correct? So, all commercial, hotel, and multifamily residential, public use developments...

COUNCILMEMBER PALTIN: Yeah.

MS. NAKATA: Okay.

COUNCILMEMBER PALTIN: And single-family.

MS. NAKATA: And single-family lots in excess of half an acre. Oh, single-family lots in excess of half an acre, and agricultural lots of five acres or less?

COUNCILMEMBER PALTIN: On the nonagricultural portion of the lot.

MS. NAKATA: Thank you.

COUNCILMEMBER U'U-HODGINS: I have...I have a clarification question. So, the nonag portion of the lot...the whole thing is zoned Ag. So, do you want to clarify that's like the nonfarm plan portion of the lot?

COUNCILMEMBER PALTIN: I would love to do that as a friendly amendment.

COUNCILMEMBER U'U-HODGINS: Okay. And then further question. Because...so, when you submit your farm plan, you work with Planning, and then you work with Water Department, and that's how you get your ag water rates. Do they...I don't know

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this to be true or not, do they submit the same farm plan to you folks and Planning? You take the same information to whatever Planning uses when they build it, and then whatever you folks use? Or how is this going to...how...how is that going to work?

COUNCILMEMBER PALTIN: It looks like Mr. Goode might have an answer.

COUNCILMEMBER U'U-HODGINS: Yeah, I...I can...I'm happy to hear from whatever. I know it's just two separate entities. It's been a while since I've done it. Eva, did you want to answer? And then I can ask Mr. Goode too.

MS. BLUMENSTEIN: Yeah. So, in terms of the...the ag rate, I don't think that we are reviewing the farm plans. I'm not sure how that would be coordinated with --

COUNCILMEMBER U'U-HODGINS: Okay.

MS. BLUMENSTEIN: -- defining the --

COUNCILMEMBER U'U-HODGINS: Okay.

MS. BLUMENSTEIN: -- farm plan portion.

COUNCILMEMBER U'U-HODGINS: Okay. Thank you. Okay. Because then what I was looking for really is just to clarify that like the whole property is zoned Ag, so then just to separate the part that's used as the farm plan or used as the farm, and then the dwelling side. But maybe Mr. Goode can answer my first question too.

CHAIR COOK: Mr. Goode?

MR. GOODE: Yeah. Member U'u-Hodgins, actually, I don't know. I had a separate potential friendly amendment to offer.

COUNCILMEMBER U'U-HODGINS: Okay. Will you please share your thought?

MR. GOODE: Sure. That was, we've been talking about single family, over half-acre, and ag under five acres, but there's also rural, so I'm thinking about zoning. The rural properties are half-acre, right, and more?

COUNCILMEMBER U'U-HODGINS: Yeah.

MR. GOODE: So, I think maybe a friendly amendment could be offered that says...based on Ms. Paltin's suggestion, of saying rural and ag less than five acres. That's it. That was my...that's why I had my hand raised.

COUNCILMEMBER U'U-HODGINS: Okay.

COUNCILMEMBER PALTIN: Rural and ag less than five acres in the nonfarm plan portion of the property?

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MR. GOODE: Right. Right.

COUNCILMEMBER U'U-HODGINS: Yeah. But the Rural-zoned properties don't necessarily submit a farm plan. I get your point, I'm just wondering how we can make the wording make sense, you know what I mean? Because you have four or five acres, you would need 2.5 in your farm plan to qualify to build your second farm dwelling. If not, it really isn't checked. And then for you folks to get your ag water rates, they would need that as well. And then I guess the dwelling portion of the property for the remainder, I think it has to be more than 50 percent, so let's say 2.4 percent...2.4 acres. What do you...how do you guys determine...what do you guys call that part? Do you have a terminology used for the portion of the ag land that's not in active farm use? Oh, I mean, I don't either, so no judgment there.

COUNCILMEMBER PALTIN: I called it the nonfarm plan portion.

COUNCILMEMBER U'U-HODGINS: Okay. Maybe nonfarm plan portion then.

COUNCILMEMBER PALTIN: But can we approve it as to legislative intent, and have smarter people than us pretty it up --

COUNCILMEMBER U'U-HODGINS: That'd be great. That'd be great.

COUNCILMEMBER PALTIN: -- before first reading?

MR. ROWE: And I'm...I'm...if I may, you know, farm plan where applicable, or where necessary --

COUNCILMEMBER U'U-HODGINS: Okay.

MR. ROWE: -- might be...might be a good addition.

COUNCILMEMBER U'U-HODGINS: Okay. On ag land --

MR. ROWE: Maybe where...where necessary.

COUNCILMEMBER U'U-HODGINS: -- because it's not on Rural.

MR. ROWE: Yeah, yeah.

COUNCILMEMBER U'U-HODGINS: Okay. Sounds good. Thank you.

MR. STUFFLEBEAN: And Chair, just to...just to clarify, the --

CHAIR COOK: Please.

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MR. STUFFLEBEAN: -- the process to get a lot approved...the farm plan approved is different than the process to get ag rates. So, those are really two separate processes that is...they don't...they...not really relate to each other. Just to be clear. Yeah. This is a...the process to get a farm plan approved is one process, the process to get ag rates is a totally separate process. Yeah.

COUNCILMEMBER U'U-HODGINS: Yes. That part I realize...it's two separate departments at two separate times. But I'm just wondering if there's any coordination in between what's submitted. Because farm plan is what Planning use [sic], but it's...they have more regulation, I think, than what you folks use for your water ag rates when they build their dwellings.

MR. STUFFLEBEAN: Yeah, yeah. Different...right, it's different --

COUNCILMEMBER U'U-HODGINS: Yeah.

MR. STUFFLEBEAN: -- criteria. Correct.

COUNCILMEMBER U'U-HODGINS: Yeah, yeah. So, I was just wondering what...because I would like to see it be cohesive so that when somebody does something for Planning, then when they go to get their water ag rates and they're trying to do this, you're not like, oh, that doesn't make sense for us, but they already submitted it for Planning.

MR. STUFFLEBEAN: I understand.

COUNCILMEMBER U'U-HODGINS: Yeah. Thank you.

CHAIR COOK: So, being that there's a lot of discussion on that, is that something we want to include now, or we want to do as their part of administrative rules?

COUNCILMEMBER PALTIN: We can take a vote on the legislative intent, and in the...before fresh reading, if the people that are familiar with legislative drafting principles could make it look pretty for us, that would be great.

CHAIR COOK: Okay. Staff? Okay. I'm seeing nodding heads. Okay. Ready to vote? All in favor, raise your hand and say "aye."

COUNCILMEMBERS: Aye.

MR. PASCUAL: Chair, I'm seeing seven "ayes," zero "noes," one excused, Chair Lee. Motion passes.

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VOTE: **AYES:** **Chair Cook, Vice-Chair Sugimura, and Councilmembers Johnson, Paltin, Rawlins-Fernandez, Sinenci, and U‘u-Hodgins.**

NOES: **None.**

ABSTAIN: **None.**

ABSENT: **None.**

EXC.: **Councilmember Lee.**

MOTION CARRIED.

ACTION: **APPROVE amendment.**

MR. PASCUAL: And we're still on the...back...we're back to the motion to substitute as amended.

CHAIR COOK: Right.

COUNCILMEMBER PALTIN: Last one. Section 14.06B.130, new landscape design projects. A, all new commercial, hotel, multifamily, residential, public use development, single-family, or rural lots greater than half an acre, ag lots of five acres or less on the applicable portion, and all commercial, hotel, multifamily, residential, and public use properties...public use properties, single-family, or rural lots half an acre or more, applicable parts of ag lots five acres or less, must properly configure to a high-efficiency irrigation system and incorporate water-efficient landscape planting plans, such as xeriscaping or the use of native drought-tolerant plants.

VICE-CHAIR SUGIMURA: That's a mouthful.

COUNCILMEMBER PALTIN: It sure is.

CHAIR COOK: So, the Department, I need you to speak up because a lot of this is what...

MR. STUFFLEBEAN: I have no idea what she's...no, yeah, we...we support.

UNIDENTIFIED SPEAKERS: . . .*(laughing)*. . .

CHAIR COOK: So, as far as enforcement...implementation enforcement, the whole intent of this is basically for water conservation, and to have a new sort of rules of the road that are followable, that people grasp and understand, and the...

COUNCILMEMBER PALTIN: Do they need to pull a permit to do a new landscape design project? No? Okay. So, that would be a complaint-driven process.

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UNIDENTIFIED SPEAKER: . . .*(inaudible)*. . .

COUNCILMEMBER PALTIN: Did I get a second? No.

CHAIR COOK: I don't think so. Did you feel strongly about this?

COUNCILMEMBER PALTIN: Just...you know, trying to make our resources' time worthwhile, but if you guys don't want to second it, I'm okay. I had a pretty good run.

UNIDENTIFIED SPEAKERS: . . .*(laughing)*. . .

CHAIR COOK: . . .*(laughing)*. . . I'd say you had an exceptional run. I believe, Mr. Johnson...it's 12:03, and the Chair would like to request everybody's agreement and cooperation to continue? Okay. Thank you. Member Johnson, did you have an amendment?

COUNCILMEMBER JOHNSON: Thank you, Chair. Well, I just want to make amendment. It's going to be on page 11 of the bill or page 13 in the pdf version, and I'll...I'll read...I'll kind of try to go slow for everybody, but you understand where I was coming from because I did a little bit of it on the discussion. But it's 14.06B, as in Bravo, .150, and it's going to be taking should...erasing "should," and putting in "must." And then in the second section, it's going to say, "during the day, property owners may be exempt from this provision." And then we just...how about until March 1st of 2027, a year out? I wanted to kind of put in the actual day, unless you guys want to say, you know, a year since this takes on effect, but I was thinking about actually putting in the...the month just to be clear, but I'm willing to move that if you guys want that, but I thought March 1st, 2027. It gives a little bit more clarity. So, that would be my amendment, Members.

CHAIR COOK: Member U'u-Hodgins?

COUNCILMEMBER U'U-HODGINS: Thank you. So, typically, we have to...if...if people come in for a building permit is when we can enforce the new codes, like this one. And so, if you wanted to put pool covers--and maybe Department and Caleb can help me figure out how this would work. So, if you wanted to put pool covers, this would all be new swimming pools because they would be held to this exist--or this current Code that's going to be proposed--existing swimming pools, in order to make them compliant, the March 1st deadline would only...would come into effect if they came in for a new building permit, for whatever reason, and then you would have them put on a pool cover. But other than that, we wouldn't necessarily have a method to enforce because they're not coming and asking us for anything.

CHAIR COOK: Department?

MS. BLUMENSTEIN: Sorry. Yeah. So, I think...I mean this provision is really coming from community, you know, who wanted to address swimming pools, and we're looking --

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COUNCILMEMBER U‘U-HODGINS: Yeah.

MS. BLUMENSTEIN: -- at if it's efficient. So, for existing pools, it's certainly going to be complaint-based. There is no --

COUNCILMEMBER U‘U-HODGINS: Sure.

MS. BLUMENSTEIN: -- permitting. So, it's going to have it in the bill, and having it part of, you know, the outreach campaign, putting it on --

COUNCILMEMBER U‘U-HODGINS: Yeah.

MS. BLUMENSTEIN: -- folks' radar.

COUNCILMEMBER U‘U-HODGINS: Right. It's no different than I...I'm assuming how we're getting people to move over to the IWS from cesspools, right? It's not...it's not enforced until they come in...until 2050, until they come in for a building permit. And then that's how we get them to change from a cesspool to an IWS. This is, I'm assuming, going to be similar. I'm...I'm totally cool with the pool covers, I'm just wondering about how it's going to be applied.

COUNCILMEMBER JOHNSON: Um-hum.

MS. BLUMENSTEIN: Yeah. Again, so this is --

COUNCILMEMBER U‘U-HODGINS: Okay.

MS. BLUMENSTEIN: -- more sort of like something the community wanted, is not completely...or at all enforceable for existing --

COUNCILMEMBER U‘U-HODGINS: Yeah.

MS. BLUMENSTEIN: -- uses, unless --

COUNCILMEMBER U‘U-HODGINS: Okay.

MS. BLUMENSTEIN: -- there's a change.

COUNCILMEMBER U‘U-HODGINS: Yeah, these are all for new swimming pools. So, Member Johnson, considering it's for new swimming pools, do you want to put in a timeline?

COUNCILMEMBER JOHNSON: I...I think it's...you know, the fact that some folks will have some self-enforcement. I know...I like that term that we were just discussing on it, that it's in the end is saving water. So, I'm happy with the way it...it goes now, and just like --

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COUNCILMEMBER U'U-HODGINS: Okay.

COUNCILMEMBER JOHNSON: -- what the Department says, that they --

COUNCILMEMBER U'U-HODGINS: You want to put in the March --

COUNCILMEMBER JOHNSON: -- do come...

COUNCILMEMBER U'U-HODGINS: -- 1st, 2027?

COUNCILMEMBER JOHNSON: Yeah.

COUNCILMEMBER U'U-HODGINS: Okay.

COUNCILMEMBER JOHNSON: Yes. If...if you guys agree, I'm...I totally would like to do it that way.

COUNCILMEMBER U'U-HODGINS: Okay. And then the...as a reminder, the...your amendment included in paragraph A, "pool covers must," not "should," yeah?

COUNCILMEMBER JOHNSON: Yes.

COUNCILMEMBER U'U-HODGINS: Okay. Cool. Thanks.

COUNCILMEMBER JOHNSON: ...*(inaudible)*... should put in the must. Yes, that's correct.

COUNCILMEMBER U'U-HODGINS: Okay. Thank you.

CHAIR COOK: Member Sugimura?

VICE-CHAIR SUGIMURA: Yeah. Can we hear from Mr. Goode? Because he was talking about his neighbor earlier as an example, but is this...is this okay with you?

CHAIR COOK: Mr. Goode, comments?

MR. GOODE: I'm not really an expert in...in pool covers, so I'll defer. I'm just concerned that for existing users...and it sounds like Member Johnson found some...some resources out there, you know, their ability to get it...to get the pool covers on and off. The ones I've seen, it's not easy, and you want a mechanical system that's usually designed to the pool. But anyway, I don't know enough about it, sorry.

VICE-CHAIR SUGIMURA: Thank you.

CHAIR COOK: For...asking my...Chair's question for the Department. Parks, hotels, public pools, where do they fit in this?

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MR. STUFFLEBEAN: Well, I believe the language is that they'd be required to have covers unless...unless it was a public safety issue. So...yeah.

CHAIR COOK: So, they would be...they would be required to have covers?

MR. STUFFLEBEAN: Unless it's a public safety issue. Right.

CHAIR COOK: And is that a...if they're not used daily, if they're not used for 30 days consecutively?

MR. STUFFLEBEAN: Yeah, that would be my suggestion. Yes.

CHAIR COOK: I gave you two options.

MR. STUFFLEBEAN: Oh. . . *(laughing)* . . .

CHAIR COOK: If they're not used, one...one...one suggestion that I heard was if they're not...they need to be covered during the day if you're not there, and the other one was, if they're not used for 30 consecutive days, as if somebody's on vacation or whatever. Just trying to get clarity for hotels, private residences, parks, and everybody to get really clearly defined parameters of when they would be required...and what exceptions there would be.

MR. STUFFLEBEAN: Yeah. So, our proposal was if it's unused for 30 days.

CHAIR COOK: Okay. Mr. Rowe?

MR. ROWE: Yeah. I would just say that in A, we used the term should, and in B, we used required. So, it's required when it's 30 days, and it's encouraged for private swimming pools when not in use, and then with Member Johnson's amendment, during the day. So...but...so...so, there was a distinction in the bill as written. By removing the term "should" and replacing it with "must," they're kind of both applicable to the same...the same thing.

CHAIR COOK: Okay. Member Johnson, did you follow that, and are you in agreement?

COUNCILMEMBER JOHNSON: Yeah, sounds good to me.

CHAIR COOK: Okay. So, if...okay. For a little more clarification, if someone has a pool for more than 30 days, and they currently don't have a pool cover, they would be required to implement that? Okay.

COUNCILMEMBER JOHNSON: And just...Chair, just to let you know, you know, hotels won't need, as pools are being used every day, right? The use of...if they're . . . *(inaudible)* . . . if they're working on it, yeah, sure, but hotels won't be needing pool covers as they use it every day.

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CHAIR COOK: I...I hear you. My...I...I am all for...an advocate to conserve water, and I know that evaporation is a factor. Being kind of pragmatic, pool covers, depending on how they are...designing, implementing them, where you...where you store the stuff, and how you deal with it. So, I'm okay with this, but I'd like to have some mechanism where people acknowledge...it's like, if...if we all looked at it and went, yeah, like that's not practical, what do they do? Any comments, Director?

MR. STUFFLEBEAN: Well, there could be a process that would allow them to appeal.

CHAIR COOK: That's...that's good. Do we need to put that in, or is there an existing process that they would be able to do? *(pause)* Member U'u-Hodgins, you said?

COUNCILMEMBER U'U-HODGINS: There's the BVA.

COUNCILMEMBER JOHNSON: Boards and Variances. Yeah.

COUNCILMEMBER U'U-HODGINS: Yeah. I mean, it's an expensive process, but... Unless you wanted to put "where reasonable," or "with Director approval," or "review," or something.

COUNCILMEMBER JOHNSON: Yeah. How about with Director's discretion, if you need...if you...you know --

COUNCILMEMBER U'U-HODGINS: More pressure on you, Director.

COUNCILMEMBER JOHNSON: -- sometimes . . .*(inaudible)*. . .

COUNCILMEMBER U'U-HODGINS: I saw your face.

CHAIR COOK: The swimming...swimming pools are...okay. Mr. Rowe?

MR. ROWE: Yeah. If I...if I may. You know, if this were enforced, it would result in a violation and penalties, and then in the following section right after that, 14.06B.160, we do have a policy for how violations are issued, and how those are...how those are appealed, and we actually have taken that to the Board of Water Supply rather than the BVA, so... But yeah, it would...it would be based on a citation, and then you would appeal the citation. Does that clarify at all, hopefully . . .*(laughing)*. . . or confuse everyone more?

CHAIR COOK: Member Sugimura?

VICE-CHAIR SUGIMURA: So, Board of Water Supply would receive this complaint...appeal. How much are your fees? Because I'm hearing a lot about BVA is \$4,100 for the appeal.

UNIDENTIFIED SPEAKER: For what?

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VICE-CHAIR SUGIMURA: For the appeal to be the Board of Water Supply.

MR. ROWE: I think it's \$300, but I would --

VICE-CHAIR SUGIMURA: 300?

MR. ROWE: -- have to double-check that.

VICE-CHAIR SUGIMURA: Oh, that's way better.

MR. ROWE: I think it's \$300.

VICE-CHAIR SUGIMURA: Thank you.

MR. ROWE: Yes. But don't encourage them to appeal to the Board of Water Supply.

UNIDENTIFIED SPEAKERS: . . .*(laughing)*. . .

CHAIR COOK: So, any further discussion on this? I'm...I'm not in support of must, and I'm not really supportive of people waking up tomorrow and finding out that the swimming pool that they've had in their yard for however long period of time, they're now subject to this, and if they want to file an appeal, then they have to go through an exhaustive process.

VICE-CHAIR SUGIMURA: Okay.

CHAIR COOK: I think new...new is absolutely manageable, I just don't see that the existing pools being manageable, and that's my...that's my problem. I think it just gets sticky. And --

VICE-CHAIR SUGIMURA: Roll call.

CHAIR COOK: -- so...

UNIDENTIFIED SPEAKER: Wait.

COUNCILMEMBER JOHNSON: Okay. Chair, before you do roll call, I'll just...if you allow, I'll just say, you know, we put the wording in to give them a year, so they don't...they're not going to wake up tomorrow and feel that they're out of compliance. So, I...I tried to alleviate you guys' concerns with making this amendment with these carve-outs, so hopefully I could get your support. But I did move to make it so that you get...they got a year from when the bill is...this bill is enacted. Thank you, Chair.

CHAIR COOK: Thank you, sir. I...I understand the intent to give them some time, but it's like the clock started. So, roll call.

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MS. NAKATA: Chair?

COUNCILMEMBER U'U-HODGINS: I have a question.

CHAIR COOK: Okay. Further discussion. Member U'u-Hodgins?

MS. NAKATA: Chair? There's not been a second on the motion.

COUNCILMEMBER SINENCI: Second.

CHAIR COOK: Okay. Motion made by Member Johnson, seconded by Member Sinenci. And we're into discussion for Member U'u-Hodgins.

COUNCILMEMBER U'U-HODGINS: Thank you. That's what I was trying to ask for the existing pools, and how they would enforce it. So, like our cesspool requirement for the conversion, it's not complaint-based. It's only when you come in for a building permit. So, that's why I was asking how this would be implemented on existing pools.

CHAIR COOK: And I heard that question, and --

COUNCILMEMBER U'U-HODGINS: Yeah.

CHAIR COOK: -- I heard the response. But it seems the way it's written, it's for pool covers required for all private swimming pools, and must be used when the property is vacant or when the swimming pool is unused for more than 30 days except for times of pool repair.

COUNCILMEMBER U'U-HODGINS: Yeah.

CHAIR COOK: So...

COUNCILMEMBER U'U-HODGINS: But for...this is...this is my question for Mr. Rowe. For all new codes like this, and any other one...my house, for instance, you know, doesn't meet all the Building Code requirements now, I'm not required to update my house to current Building Code standards unless I come in for a building permit. Regardless if somebody complains, it is what it is. So, that's my question. How would this be enforced? If somebody comes in for a new building permit, is that when you would require a pool cover, or is it we're going to go headhunting existing pools, and we're going to now be complaint-driven?

CHAIR COOK: Mr. Rowe?

MR. ROWE: I believe the intent is for it to be complaint-driven for existing pools, and then there is a...there's a separate provision for when they're required, so...

MS. BLUMENSTEIN: . . .*(inaudible)*. . .

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MR. ROWE: Right. So...so, portion A, as currently written, is...is suggested, it's we're encouraging people, and then B is required, and so that would be complaint-driven.

COUNCILMEMBER U'U-HODGINS: For B is complaint-driven...or A is complaint-driven?

MR. ROWE: B is complaint-driven because A is not mandatory, it's encouraged.

COUNCILMEMBER U'U-HODGINS: A is not mandatory, B is complaint-driven. Okay.

MR. ROWE: And I...I would defer to the Department on new...new swimming pools...the question of new swimming pools. For existing swimming pools, it would be complaint-driven because as...as you noted, you know, there's no real mechanism for approving them if they already exist.

COUNCILMEMBER U'U-HODGINS: Yes.

MS. BLUMENSTEIN: Yeah. The way...

COUNCILMEMBER JOHNSON: Chair?

MS. BLUMENSTEIN: Sorry.

COUNCILMEMBER U'U-HODGINS: Oh, can you...can you answer my question real quick, Ms. Blumenstein?

MS. BLUMENSTEIN: Yeah. So, I mean our intent here was the pool covers for existing use for all is a suggestion, should be used to limit evaporation. Existing swimming pools that are not in use for 30 days would be complaint-based.

COUNCILMEMBER U'U-HODGINS: Yeah, existing swimming pools.

MS. BLUMENSTEIN: So, then...then, of course, new is...this applies to new pools as well, of course, but this was the intent really, to not have to, like I say, you know, hunt...hunt down individuals for...if it's a shorter time frame. Thirty days is a different thing. That's more of a rental property, maybe vacant for 30 days.

COUNCILMEMBER U'U-HODGINS: Okay. And then in order for somebody to make a legitimate complaint, are you going to have them take pictures of 30 days where it's not in use, or how would you...how would you enforce that? And how would you determine that they didn't use it for 30 days?

MS. BLUMENSTEIN: So, right now, when we get complaints from shortage violation, those are actually...that could be like a video of --

COUNCILMEMBER U'U-HODGINS: A video.

MS. BLUMENSTEIN: -- ten days of use.

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COUNCILMEMBER U'U-HODGINS: A video...

MS. BLUMENSTEIN: Or whatever the violation is, something like that.

COUNCILMEMBER U'U-HODGINS: Okay. Okay. Because I mean, this is splitting hairs, but let's say my neighbor has a pool, it's not in use all day, but somebody jumped in it in the morning and I took a picture in the afternoon, and nobody was in it. That's kind of difficult to enforce. So, I'm not...I'm just trying to figure out how this is going to be applied. I'm very curious. But I want all of...I want them to have swimming pool covers. I think that's the best thing. I'm just very curious how this is going to work for almost all of them. But thanks.

CHAIR COOK: Mr. Rowe?

MR. ROWE: I mean, I...I...I guess my answer to that would be they would be issued a notice of violation. If they want to present evidence that they hopped in the pool the morning before the picture was taken, they could present that evidence upon appeal to the Board of Water Supply. From this \$300 for the appeal fee, yeah.

CHAIR COOK: So...

COUNCILMEMBER JOHNSON: Chair?

CHAIR COOK: I heard...Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. Before you call for the question, I'll just add one more thing. You know, this whole bill is asking everyone to kind of, you know, tighten their belts, and, you know, it's time to ante up and kick in, especially when we're talking about water, and drought, and how our housing has been tied to water. Pools...homes with pools can...can do a little more. They can step up and put the cover on. We heard before, when there was discussion on eliminating pools, how a pool cover eliminates all of the evaporation. So, this is a good compromise. We're trying to get the pool cover on. I just ask for the Members' support in this. I think it was a really good meeting, and we had great discussions where a lot of amendments were made. It was pretty smooth, so I'm just hoping we end on a smooth one. Thank you, Chair.

MS. NAKATA: Staff...excuse me, Chair. Sorry. Could Staff just get clarification before you call for the vote? When Member Johnson said this provision, that relates specifically to A2; is that correct?

COUNCILMEMBER JOHNSON: If you don't like provision, I'll...I'll take another word. What do you recommend?

MS. NAKATA: If I could just get clarification, then we can...we can adjust it. If it's limited strictly to paragraph (A)(2)?

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CHAIR COOK: Member Johnson?

COUNCILMEMBER JOHNSON: Okay. Let me understand your question there. You're saying that...so homeowners may be exempt from this provision, and that would be (A)(2) during the day? Well, I guess maybe we...we should change from this...this section. I don't know what...where...where you want it to be in.

MS. NAKATA: Staff would...

COUNCILMEMBER JOHNSON: I'm just trying to say that they don't...they don't need a pool cover until a year from this starting, you know, effect.

MS. NAKATA: You're talking specifically about paragraph 2, where it starts, for private swimming pools when not in use during the day?

COUNCILMEMBER JOHNSON: I think the...the sentence where it says, homeowners may be exempt from this provision for one year from effective...or for...for one year, you know, May...March 1st, 20...it's saying that they're exempt from this...of getting a pool cover for a year. So, they...just like Councilmember Cook said, they're not just surprised on it. So, that's the intent of it.

CHAIR COOK: Member U'u-Hodgins, and then Member Sugimura.

COUNCILMEMBER U'U-HODGINS: Oh, I only have one quick amendment at the end. I have no further discussion with this amendment.

CHAIR COOK: Member Sugimura, question? Oh, Member Paltin?

COUNCILMEMBER PALTIN: I just had a discussion that I'll be voting in support, and this is great foreshadowing for this afternoon. Thank you.

CHAIR COOK: Comment, Mr. Rowe?

COUNCILMEMBER JOHNSON: I hope I answered Staff's question, and I'm ready to vote.

MR. ROWE: Chair, I think...to get to what Member Johnson is reaching for, we could potentially add a portion C that specifically says, for existing pools, this ordinance shall not take effect until...until the...the date that you guys decide. I think that that's a way to make this all work for your intention.

COUNCILMEMBER JOHNSON: Thank you, Mr. Rowe. That's a...that's a friendly amendment. I accept that as a friendly amendment, Chair.

CHAIR COOK: Okay. Is everybody ready to vote? Okay. Member Sugimura.

VICE-CHAIR SUGIMURA: No.

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CHAIR COOK: Member Paltin.

COUNCILMEMBER PALTIN: Aye.

CHAIR COOK: Member...do I see Member Rawlins-Fernandez? Okay. Member U'u-Hodgins.

COUNCILMEMBER U'U-HODGINS: Aye.

CHAIR COOK: Member Sinenci.

COUNCILMEMBER SINENCI: Aye.

CHAIR COOK: Okay. Chair, no. Anybody...

COUNCILMEMBER RAWLINS-FERNANDEZ: Sorry, Chair. Aye.

CHAIR COOK: Okay.

UNIDENTIFIED SPEAKER: And Member Johnson.

CHAIR COOK: And Member Johnson.

COUNCILMEMBER JOHNSON: Aye.

CHAIR COOK: Okay. Apologize for not seeing everybody. And Staff, did we get everybody?

COUNCILMEMBER RAWLINS-FERNANDEZ: No, no, it wasn't you, Chair.

CHAIR COOK: And do you have an account? Do you have a count?

MR. PASCUAL: Thank you, Chair. So, I believe the count is five "ayes," two "noes," one excused, Chair Lee. So, the motion passes.

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**VOTE: AYES: Councilmembers Johnson, Paltin,
Rawlins-Fernandez, Sinenci, and U‘u-Hodgins.**

NOES: Chair Cook and Vice-Chair Sugimura.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmember Lee.

MOTION CARRIED.

ACTION: APPROVE amendment.

CHAIR COOK: Okay. So, now we are for the main motion as amended.

VICE-CHAIR SUGIMURA: As amended.

UNIDENTIFIED SPEAKER: No.

CHAIR COOK: No.

MR. PASCUAL: So, Chair, you’re actually back to the motion to substitute as amended.

CHAIR COOK: Okay. Member...to substitute as amended, and Miss...Member U‘u-Hodgins, did you have an amendment?

COUNCILMEMBER U‘U-HODGINS: Yes, thank you. On page 15, Section 9, in discussion we discussed that this ordinance with the existing language takes effect on approval. But the Water Department will need some time to create their admin rules, and get that published, and work with the public. I think we discussed creating the date of effectiveness on March 1st, 2026. So, on Section 9, I would like to remove the word “approval,” and put in...and substitute that language as “March 1st, 2026, period.”

COUNCILMEMBER SINENCI: Second.

CHAIR COOK: Motion made by Member U‘u-Hodgins, seconded by Member Sinenci. Discussion...Department, comment?

MR. STUFFLEBEAN: Support.

CHAIR COOK: Okay. They’re in...Members, any other comments before we vote?

COUNCILMEMBER U‘U-HODGINS: No other comments, Chair.

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VICE-CHAIR SUGIMURA: Ready to vote.

CHAIR COOK: Okay. All in...all in favor, raise your hand and say "aye."

COUNCILMEMBERS: Aye.

MR. PASCUAL: Chair, I'm seeing seven "ayes," zero "noes," one excused, Chair Lee. Motion passes.

VOTE: AYES: Chair Cook, Vice-Chair Sugimura, and Councilmembers Johnson, Paltin, Rawlins-Fernandez, Sinenci, and U'u-Hodgins.

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmember Lee.

MOTION CARRIED.

ACTION: APPROVE substitution.

MR. PASCUAL: So, now you're back to the main motion as amended.

CHAIR COOK: Okay. Okay. Main motion as amended. All in favor?

COUNCILMEMBERS: Aye.

MR. PASCUAL: Chair, seven "ayes," zero "noes," one excused, Chair Lee. Motion passes.

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VOTE: **AYES:** **Chair Cook, Vice-Chair Sugimura, and Councilmembers Johnson, Paltin, Rawlins-Fernandez, Sinenci, and U‘u-Hodgins.**

NOES: **None.**

ABSTAIN: **None.**

ABSENT: **None.**

EXC.: **Councilmember Lee.**

MOTION CARRIED.

ACTION: **Recommending FIRST READING of Bill 158, CD1 (2025).**

CHAIR COOK: Thank you all. That concludes today’s meeting.

VICE-CHAIR SUGIMURA: Good job.

CHAIR COOK: Any other comments? Enjoy your lunch, enjoy the holidays. . . .*(gavel)*. . .

ADJOURN: 12:27 p.m.

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Transcribed by: Daniel Schoenbeck

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CERTIFICATION

I, Daniel Schoenbeck, hereby certify that pages 1 through 78 of the foregoing represents, to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED the 12th day of January 2026, in Wailuku, Hawai'i



Daniel Schoenbeck