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

July 29, 2024

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

Dear Mr. Stufflebean:

SUBJECT: BILL 106 (2024), AMENDING CHAPTER 14.01, MAUI COUNTY CODE, ON THE REGIONAL CONSOLIDATION AND ACQUISITION OF PRIVATE WATER SYSTEMS (WAI-26)

The Water and Infrastructure Committee is in receipt of Bill 106 (2024), entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 14.01, MAUI COUNTY CODE, ON THE REGIONAL CONSOLIDATION AND ACQUISITION OF PRIVATE WATER SYSTEMS." Bill 106's purpose is to require the Department of Water Supply to prioritize the acquisition and regional integration of private water systems into the County's water system.

May I please request you review the attached bill and provide any comments or suggested revisions.

May I further request you transmit your response to wai.committee@mauicounty.us by **August 14, 2024**. To ensure efficient processing, please include the Committee item number in the subject line.

Mr. John Stufflebean
July 29, 2024
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Should you have any questions, please contact me or the Committee staff (Jarret Pascual at ext. 7141, or Pauline Martins at ext. 8039).

Sincerely,

A handwritten signature in blue ink, appearing to read "Tom Cook".

TOM COOK, Chair
Water and Infrastructure Committee

wai.ltr:026aws01:jpp

Attachment

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

ORDINANCE NO. _____

BILL NO. 106 (2024)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 14.01,
MAUI COUNTY CODE, ON THE REGIONAL CONSOLIDATION
AND ACQUISITION OF PRIVATE WATER SYSTEMS

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

SECTION 1. Within the Lahaina Aquifer Sector Area, the Department of Water Supply accounts for 23 percent of all water usage. The remaining 77 percent is controlled by private companies and designated for private use. It is in the County's interest to acquire and regionally consolidate private water systems into the County's water system to promote water access equity and the protection of a public resource consistent with the Hawai'i Constitution, Countywide Policy Plan, and Maui Island Plan. This Ordinance's purpose is to require the Department of Water Supply to prioritize the acquisition and regional integration of private water systems into the County's water system.

SECTION 2. Section 14.01.060, Maui County Code, is amended to read as follows:

"14.01.060 Water source acquisition and development agreements with private entities. A. The director must prioritize the acquisition and regional integration of private water systems into the County's water system. The department must submit an annual report to the council summarizing all private water system acquisition negotiations during the fiscal year preceding the submission of the report, any other acquisition and integration activity during the same period, including all anticipated costs associated with upgrading each private water system acquired or scheduled for acquisition, and any projected rate increases or

decreases caused by the prior year's system acquisition activity, by July 1 of each year.

B. The council [shall] may approve by resolution any water source development agreement with private entities, subject to the department having the right of first offer and right of first refusal to purchase the proposed water system. For [purposes of this section,] this section's purposes, a "water source development agreement with a private entity" means an agreement, executed by the County and any person, to develop water resources by:

i. constructing a structure to capture, convey, store, and treat [currently unutilized] unused, nonpotable surface waters;

ii. constructing facilities for [currently unutilized] unused ground water and its treatment, including pumps, motor control stations, pump controls, or disinfection contact time tanks; constructing desalination facilities; or

iii. using any other technique that provides or recaptures water that is acceptable to the State of [Hawaii,] Hawai'i, department of health, together with any easements required for the improvements.

C. This section [shall] does not apply to County contracts that are subject to the [Hawaii] Hawai'i public procurement code[, as set forth in chapter 103D, Hawai'i Revised Statutes]."

SECTION 3. Material to be repealed is bracketed. New material is underscored. In printing this bill, the County Clerk need not include the brackets, the bracketed material, or the underscoring.

SECTION 4. This Ordinance takes effect on approval.

paf:jpp:24-029a

INTRODUCED BY:

A handwritten signature in blue ink, appearing to read "Tom Cook". The signature is written in a cursive style with a large initial "T".

TOM COOK