

COUNCIL OF THE COUNTY OF MAUI
WATER AND INFRASTRUCTURE
COMMITTEE

March 8, 2019

Committee
Report No. _____

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

Chair and Members:

Your Water and Infrastructure Committee, having met on February 11, 2019, makes reference to County Communication 18-415, from the Director of Water Supply, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 14.07.090, MAUI COUNTY CODE, RELATING TO DURATION OF WATER METER RESERVATION."

The purpose of the proposed bill is to extend the duration of water meter reservations from two years plus two six-month extensions to a total of five years.

Your Committee notes the Council's Water Resources Committee (2017-2019 Council term) met on December 5, 2018.

By correspondence dated February 4, 2019, the Chair of your Committee transmitted a revised proposed bill revising Section 3 to provide that existing valid water meter reservations shall have a total duration of five years from the date of the Department's approval of the water meter reservation.

At the request of the Chair of your Committee, the Acting Director of Water Supply transmitted a further revised proposed bill, approved as to form and legality, further revising paragraph 3 to provide that any water meter reservation application approved by the Director on or after January 1, 2015 shall also have a total duration of five years from the date of the Director's approval of the reservation.

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The Acting Director of Water Supply said the bill will make the acceptance of water service easier for applicants, especially for those who need more time to complete their projects. There are situations when applicants are nearing completion of projects and have no control over delays. He said the subdivision approval process, more detailed design, and lengthy permitting processes may cause delays for applicants in completing their projects.

The Department of Water Supply Engineering Program Manager said the Department of Public Works permitting and multi-agency approvals may extend the time required for applicants to complete projects. She said the impact to other applicants on the water meter waitlist would be minimal.

The Acting Director said the five-year time limit was chosen because it was a fair and reasonable time to give applicants to complete most projects. He said if no deadline was provided, it would overwhelm the staff's workload because applications would remain open indefinitely.

Your Committee voted to convene an executive meeting, closed to the public, to consult with legal counsel on questions and issues pertaining to the powers, duties, privileges, immunities, and liabilities of the County, the Council, and the Committee pursuant to Section 92-5(a)(4), Hawaii Revised Statutes.

Following the executive meeting, your Committee reconvened in regular session.

Your Committee voted 6-0 to recommend passage of the further revised proposed bill on first reading and filing of the communication. Committee Chair Lee, Vice-Chair Paltin, and members Kama, Molina, Rawlins-Fernandez, and Sincenci voted "aye." Committee member Hokama was excused.

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Your Water and Infrastructure Committee RECOMMENDS the following:

1. That Bill _____ (2019), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 14.07.090, MAUI COUNTY CODE, RELATING TO DURATION OF WATER METER RESERVATION," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 18-415 be FILED.

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



ALICE L. LEE, Chair

ORDINANCE NO. _____

BILL NO. _____ (2019)

A BILL FOR AN ORDINANCE AMENDING
SECTION 14.07.090, MAUI COUNTY CODE,
RELATING TO DURATION OF WATER METER RESERVATION

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

SECTION 1. Section 14.07.090, Maui County Code, is amended to read
as follows:

“14.07.090 Payment of water system development fee.

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

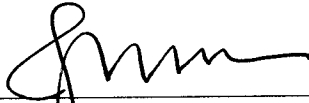
B. Applicant not ready for water service. Upon payment of a deposit equal to the water system development fee set forth in the annual budget by an applicant who, to the director's satisfaction, is unable to accept water service immediately, the department may reserve an allocation of water service source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

If within [two] five years, [or longer with extension(s),] the applicant is not able to accept installation of water service, the application and the reservation of the allocation shall expire, the deposit paid by the applicant shall be forfeited, and said deposit shall be applied to the water system development fee fund with no credit of any kind toward any future application.”

SECTION 2. 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 3. This ordinance shall take effect upon its approval; provided however, that any water meter reservation application approved by the director on or after January 1, 2015 shall also have a total duration of five years from the date of the director's approval of the reservation.

APPROVED AS TO FORM
AND LEGALITY:



JENNIFER M.P.E. OANA
Deputy Corporation Counsel
County of Maui
2018-1173
2019-02-06 Ordinance