

COUNCIL OF THE COUNTY OF MAUI

**WATER, INFRASTRUCTURE, AND
TRANSPORTATION COMMITTEE**

December 4, 2020

**Committee
Report No. _____**

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

Chair and Members:

Your Water, Infrastructure, and Transportation Committee, having met jointly with the Environmental, Agricultural, and Cultural Preservation (“EACP”) Committee on November 16, 2020, makes reference to County Communication 19-162, from the Director of Water Supply, transmitting a proposed bill entitled “A BILL FOR AN ORDINANCE ADOPTING AN UPDATE TO THE WATER USE AND DEVELOPMENT PLAN FOR THE ISLAND OF MAUI.” Attached to the proposed bill is the document entitled “Maui Island Water Use and Development Plan Draft,” dated March 2019.

The purpose of the proposed bill is to adopt the attached document as an update to the Maui Island Water Use and Development Plan (“Plan”), in accordance with Sections 14.02.020 and 14.02.040, Maui County Code (“MCC”).

Your Committee notes your Water, Infrastructure, and Transportation Committee met on January 22, 2020, May 18, 2020, June 1, 2020, June 15, 2020, July 13, 2020, and August 4, 2020, and reported on the matter through Committee Report 20-128. At its meeting of October 9, 2020, the Council recommitted Committee Report 20-128 to your Water, Infrastructure, and Transportation Committee.

By correspondence dated November 9, 2020, the Department of the Corporation Counsel transmitted a proposed resolution, entitled “APPROVING A TIME EXTENSION FOR THE COUNCIL TO ADOPT THE MAUI ISLAND WATER USE AND DEVELOPMENT PLAN,” approved as to form and legality.

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The purpose of the proposed resolution is to extend the deadline from December 31, 2020 to June 30, 2021, to provide additional time for the Council to review and adopt the Plan.

Your Committee notes the Department of Water Supply transmitted the Plan to the Council on March 22, 2019. In accordance with Section 14.02.040, MCC:

The council shall pass the proposed update by ordinance within one hundred eighty days from the receipt of the proposed update. The council may, by resolution, extend the time to pass the proposed update.

Your Committee notes the Council's deadline to pass the proposed update was September 18, 2019. At its meeting of September 6, 2019, the Council adopted Resolution 19-153 which extended the deadline to December 31, 2020. However, because of community concerns regarding the need for additional community outreach, the deadline to review and adopt the Plan must be further extended.

Your Committee discussed joint efforts with the EACP Committee which would enable more public outreach and discussion, specifically related to cultural and environmental matters relevant to the Plan. The EACP Committee would review community input, meet with various community members, and propose amendments for consideration to the Committee, if necessary.

Your Committee confirmed with the Department of the Corporation Counsel that any proposed amendments to the Plan would not need to go back to the Board of Water Supply for review. As such, if the Plan is approved by the Council, it will be forwarded on to the Commission on Water Resource Management.

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Your Committee discussed the importance of adopting a plan that addresses the need for additional community outreach and reflects the community's best interests.

Your Committee voted 7-0 to recommend adoption of the proposed resolution. Committee Chair Sugimura and members Kama, King, Molina, Paltin, Rawlins-Fernandez, and Sinenci voted "aye." Committee Vice-Chair Lee and member Hokama were excused.

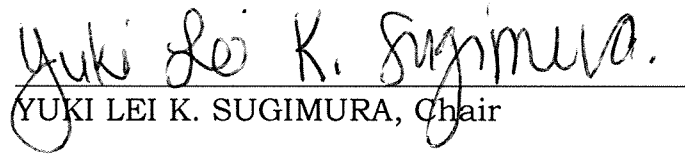
Your Water, Infrastructure, and Transportation Committee RECOMMENDS that Resolution _____, attached hereto, entitled "APPROVING A TIME EXTENSION FOR THE COUNCIL TO ADOPT THE MAUI ISLAND WATER USE AND DEVELOPMENT PLAN," be ADOPTED.

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


YUKI LEI K. SUGIMURA, Chair

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Resolution

No. _____

APPROVING A TIME EXTENSION FOR THE COUNCIL TO ADOPT THE MAUI ISLAND WATER USE AND DEVELOPMENT PLAN

WHEREAS, Section 174C-31, Hawaii Revised Statutes, requires each county to prepare a water use and development plan, and adopt the plan by ordinance, and update the plan as necessary; and

WHEREAS, the Council adopted the Maui County Water Use and Development Plan by Ordinance 1948 (1990), which was subsequently approved the Commission on Water Resource Management as part of the Hawaii Water Plan; and

WHEREAS, on March 22, 2019, the Council received from the Director of Water Supply, County Communication 19-162, transmitting a proposed bill to adopt the attached March 2019 draft of the Maui Island Water Use and Development Plan as an update to the Maui County Water Use and Development Plan; and

WHEREAS, Section 14.02.040, Maui County Code, states:

“4. The council shall pass the proposed update by ordinance within one hundred eighty days from the receipt of the proposed update. The council may, by resolution, extend the time to pass the proposed update.”; and

WHEREAS, the deadline for the Council to pass the Maui Island Water Use and Development Plan was September 18, 2019; and

WHEREAS, on September 6, 2019 the Council adopted Resolution 19-153, extending the deadline for the Council to pass the Maui Island WUDP to December 31, 2020; and

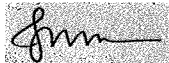
WHEREAS, the Council requires additional time to complete a thorough review of the Maui Island Water Use and Development Plan; now, therefore,

Resolution No. _____

BE IT RESOLVED by the Council of the County of Maui:

1. That the deadline to adopt the Maui Island Water Use and Development Plan is extended to June 30, 2021; and
2. That certified copies of this resolution be transmitted to the Mayor, the Director of Water Supply, and the Corporation Counsel.

APPROVED AS TO FORM AND LEGALITY

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Jennifer M.P.E. Oana
Deputy Corporation Counsel
County of Maui

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