

JOSIAH K. NISHITA
County Clerk



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OFFICE OF THE COUNTY CLERK

COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.mauicounty.gov/county/clerk

August 23, 2019

Honorable Alice L. Lee, Chair
Water and Infrastructure Committee
Council of the County of Maui
Wailuku, Hawaii 96793

Dear Chair Lee:

SUBJECT: BILL NO. 46 (2019), "A BILL FOR AN ORDINANCE AMENDING
SECTION 14.05.050, MAUI COUNTY CODE, RELATING TO
REIMBURSEMENT FOR SUBDIVISION WATER MAIN EXTENSION"

Respectfully transmitted is a copy of Bill No. 46 (2019) which was recommitted to
your Committee by the Council of the County of Maui at its meeting of August 23, 2019.

Respectfully,

A handwritten signature in black ink, appearing to be "Josiah K. Nishita", written over a horizontal line.

JOSIAH K. NISHITA
County Clerk

/jym

Enclosure

cc: Director of Council Services

ORDINANCE NO. _____

BILL NO. 46 (2019)

A BILL FOR AN ORDINANCE AMENDING SECTION 14.05.050,
MAUI COUNTY CODE, RELATING TO REIMBURSEMENT
FOR SUBDIVISION WATER MAIN EXTENSION

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

SECTION 1. This ordinance's purpose is to: 1) state conditions under which subdivision water main extension reimbursements shall be made, and 2) control the County's reimbursement costs.

SECTION 2. Section 14.05.050, Maui County Code, is amended to read as follows:

"14.05.050 Reimbursement for water main extension.

A. If the department's facilities in the area are inadequate, or where [departmental] the department's facilities are not readily available to serve a proposed or existing subdivision, the subdivider shall extend a water main from [the nearest adequate departmental facility. The water main so constructed connecting the subdivision water system to] the nearest point of adequacy of the public water system [shall be deemed a main extension.] to the subdivision water system. That water main is a "water main extension."

B. The department shall reimburse the subdivider [shall be reimbursed] for the cost of a water main extension in accordance with this section. However, no reimbursement shall be made if [the]:

1. The water main extension will only serve areas under the same ownership as the subdivision under construction.

2. [In no case shall reimbursement for water main extension be made for any portion of the cost of a main] The water main extension is less than [six-inch size] six inches in diameter in agricultural, rural, and residential [areas,] zoned districts, or [of any of the portion of the cost of a main] less than [eight-inch size] eight inches in diameter in other [areas.] zoned districts.

3. The water main extension is funded solely or partially by a grant to the subdivider by the county, the state, or the federal government.

4. The water main extension was not approved by the department prior to the installation.

5. The subdivider and the department did not execute an agreement for reimbursement in accordance with this section, prior to installing the water main extension.

6. The subdivider is receiving transmission credits for the water main extension.

C. The department shall reimburse the subdivider [fifty] 50 percent of the cost of a water main extension[.], not including the costs for water service laterals, fire hydrant assemblies, fire hydrant tees, fire hydrant laterals, design, and easements, up to a maximum reimbursement of \$100,000. [For subdivisions that result from an immediate transfer of property to a person or persons who are related to the subdivider by blood, adoption or marriage, specifically limited to a spouse, parents, children, grandparents, grandchildren, or siblings, the reimbursement shall be seventy-five percent.]

D. The reimbursement procedure shall be as follows:

1. Prior to installation of the water main extension, the subdivider shall enter into an agreement for reimbursement with the department[.] based on the department-approved estimated construction cost of the water main extension. If the subdivider [has] is not [substantially complied with the terms of the agreement] ready for water service within [one year] five years from the date [thereof,] of the agreement, the agreement [may, in the discretion of the director, be terminated.] shall expire.

2. After the work has been completed and before acceptance, the subdivider shall furnish the department with an affidavit itemizing the costs incurred by the subdivider for the installation of the water main extension.

3. [Reimbursement shall be made in five equal annual installments, without interest. For subdivisions that result from an immediate transfer of property to a person or persons who are related to the subdivider by blood, adoption or marriage, specifically limited to a spouse, parents, children, grandparents, grandchildren, or siblings, the reimbursement shall be made in two equal annual installments, without interest. The initial payment will be made at the end of the fiscal year in which the construction project is completed and accepted by the department.] The department shall determine the final reimbursable cost of the water main extension installed by the subdivider, based upon the subdivider's affidavit of the construction cost, less any reimbursement

made under section 14.05.040. If the estimated construction cost differs from the final reimbursable cost, the subdivider shall enter into an amended agreement based on the final reimbursable cost approved by the department before any reimbursement is made.

4. [The department shall make the final determination as to the cost of the off-site water main or main extension installed by the subdivider, and reimbursement shall be based upon said estimates of the department, less any reimbursement made under section 14.05.040.] Reimbursement shall be made in five equal annual installments, without interest. The initial payment will be made at the end of the fiscal year in which the construction project is completed and accepted by the department.

5. All reimbursements shall be payable to the [original] subdivider entering into the agreement with the department, unless otherwise directed by the [original] subdivider in writing. For purposes of this section, "subdivider" includes any owner of a parcel in the subdivision who enters into an agreement with the department to extend a water main to the subdivision in accordance with this section.

[D. Where large quantities of water are required or a large investment is necessary to provide service, the subdivider shall be informed as to the conditions under which reimbursement for off-site water mains may be approved.

E. Reimbursement shall not be made to subdividers for mains installed to a subdivision where such mains were not approved by the department prior to their installation.

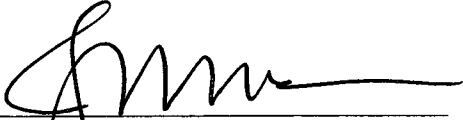
F. Reimbursement shall not be made to a subdivider for main extensions installed to a subdivision in areas where an agreement for reimbursement for water main extension already exists.] E. The department shall not enter into an agreement for reimbursement with a subdivider if an agreement for reimbursement already exists for a water main extension with the same diameter size in the same location."

SECTION 3. This ordinance shall take effect upon its approval, except that the version of Section 14.05.050, Maui County Code, in effect prior to this ordinance's enactment shall apply to the following: 1) a subdivision water main extension reimbursement agreement between the Department of Water Supply and the subdivider that is valid on the effective date of this ordinance; 2) a parcel

of real property with a water meter reservation approved by the Department of Water Supply pursuant to Chapter 14.07, Maui County Code, that is valid on the effective date of this ordinance; and 3) a valid subdivision with construction plans approved by the Department of Water Supply that is valid on the effective date of this ordinance.

SECTION 4. 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.

APPROVED AS TO FORM
AND LEGALITY:



JENNIFER M.P.E. OANA
Deputy Corporation Counsel
County of Maui
2019-0102/2017-0536
WAI-18 2019-07-17 Ord Amd 14.05.050

DIGEST

ORDINANCE NO. _____
BILL NO. 46 (2019)

A BILL FOR AN ORDINANCE AMENDING SECTION 14.05.050,
MAUI COUNTY CODE, RELATING TO REIMBURSEMENT
FOR SUBDIVISION WATER MAIN EXTENSION

This bill proposes to amend Section 14.05.050, Maui County Code, to limit subdivision water main extension reimbursements to \$100,000, provide a consistent 50 percent reimbursement rate, and allow subdividers five years to complete the subdivision water system improvements.

I, JOSIAH K. NISHITA, County Clerk of the County of Maui, State of Hawaii, DO
HEREBY CERTIFY that the foregoing BILL NO. 46 (2019) was passed on First Reading
by the Council of the County of Maui, State of Hawaii, on the 9th day of August, 2019, by
the following vote:

AYES: Councilmembers G. Riki Hokama, Natalie A. Kama, Alice L. Lee,
Michael J. Molina, Tamara A. M. Paltin, Shane M. Sinenci,
Yuki Lei K. Sugimura, Vice-Chair Keani N. W. Rawlins-Fernandez,
and Chair Kelly T. King.

NOES: None.

DATED at Wailuku, Maui, Hawaii, this 12th of August, 2019.



JOSIAH K. NISHITA, COUNTY CLERK
COUNTY OF MAUI, STATE OF HAWAII

Copies of the foregoing Bill, in full, are on file in the Office of the County Clerk,
County of Maui, for use and examination by the public.