

# **WATER AUTHORITY, SOCIAL SERVICES, AND PARKS COMMITTEE**

**Council of the County of Maui**

## **MINUTES**

**March 6, 2023**

**Online via BlueJeans  
Council Chamber, 8<sup>th</sup> Floor**

**CONVENE:** 9:03 a.m.

**PRESENT:** VOTING MEMBERS:

Councilmember Shane M. Sinenci, Chair  
Councilmember Gabe Johnson, Vice-Chair  
Councilmember Tom Cook, Member  
Councilmember Alice L. Lee, Member  
Councilmember Tamara Paltin, Member  
Councilmember Keani N.W. Rawlins-Fernandez, Member  
Councilmember Yuki Lei K. Sugimura, Member In 9:42 a.m.)  
Councilmember Nohelani U'U-Hodgins, Member

**EXCUSED:** VOTING MEMBERS:

Councilmember Tasha Kama, Member

**STAFF:**

James Krueger, Legislative Analyst  
Kasie Apo Takayama, Senior Legislative Analyst  
Richelle Kawasaki, Legislative Attorney  
David Raatz, Deputy Director of Council Services  
Jocelyn Moniz, Committee Secretary  
Stacey Vinoray, Committee Secretary  
Lei Dinneen, Council Services Assistant Clerk

Dawn Lono, Executive Assistant to Councilmember Shane M. Sinenci  
Gina Young, Executive Assistant to Councilmember Shane M. Sinenci  
Kate Griffiths, Executive Assistant to Councilmember Gabe Johnson  
Roxanne Morita, Executive Assistant to Councilmember Gabe Johnson  
Axel Beers, Executive Assistant to Councilmember Gabe Johnson  
Stacy N. Takahashi, Executive Assistant to Councilmember Tom Cook  
Jared Agtunong, Executive Assistant to Councilmember Tom Cook  
Evan Dust, Executive Assistant to Councilmember Tasha Kama  
Davideane Kama-Sickels, Executive Assistant to Councilmember  
Tasha Kama  
Lois Whitney, Executive Assistant to Councilmember Tasha Kama  
Michele N. McLean, Executive Assistant to Councilmember Alice Lee  
Angela R. Lucero, Executive Assistant to Councilmember Tamara Paltin  
Christi Keliikoa, Executive Assistant to Councilmember Tamara Paltin  
Krystal Cabilies, Executive Assistant to Councilmember Tamara Paltin

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Braedon I. Wilkerson, Executive Assistant to Councilmember Keani Rawlins-Fernandez  
Noelani Ahia, Executive Assistant to Councilmember Keani Rawlins-Fernandez  
Sarah Sexton, Executive Assistant to Councilmember Keani Rawlins-Fernandez  
Vanessa Valencia, Executive Assistant to Councilmember Keani Rawlins-Fernandez  
Arthur A. Suyama, Executive Assistant to Councilmember Yuki Lei Sugimura  
Jordan T. Helle, Executive Assistant to Councilmember Yuki Lei Sugimura  
Jennifer F. Matsumoto, Executive Assistant to Councilmember Yuki Lei Sugimura  
Laura L. McDowell, Executive Assistant to Councilmember Nohelani U'U-Hodgins  
Susan M. Clements, Executive Assistant to Councilmember Nohelani U'U-Hodgins

Zhantell Lindo, Council Aide, Moloka'i District Office  
Denise Fernandez, Council Aide, Lāna'i District Office  
Mavis Oliveira, Council Aide, East Maui District Office  
Christian Balagso, Council Aide, West Maui District Office  
Bill Snipes, Council Aide, South Maui District Office  
Jade Rojas-Letisi, Council Aide, Makawao-Ha'ikū-Pā'ia District Office

**ADMIN.:** Mimi Desjardins, Deputy Corporation Counsel

**OTHERS:** Jessie Kekiwi-Aweau, Nā Moku 'Aupuni 'o Ko'olau Hui  
Amana Martin, Nā Moku 'Aupuni 'o Ko'olau Hui  
Dick Mayer  
JC Law  
Additional attendees (2)

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

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CHAIR SINENCI: . . .*(gavel)*. . . E aloha kakahiaka kākou and konnichiwa. Welcome to the first annual WASSP Committee of Monday, March 6th, 2023. Aloha, everybody. I'm Shane Sinenci, your Committee Chair. Aloha. Members, in accordance with the Sunshine Law, if you are not in the Council Chamber, please identify by name who, if anyone, is in the room with you, vehicle, or workspace. Minors do not need to be identified. Also, please see the last page of the agenda for information on meeting connectivity. Joining us today, we have Committee Vice-Chair Gabe Johnson.

VICE-CHAIR JOHNSON: Good morning, Chair, and konnichiwa to you, Councilmember, Committee Members, and everyone out there. I'm here at the Lāna'i District Office, by

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myself in my office, and there are no testifiers. We are here and ready to work. Mahalo, Chair.

CHAIR SINENCI: Mahalo, Member Johnson. I'll just go down the line here. Next we have, in the Chambers, Member Tom Cook. Aloha and konnichiwa.

COUNCILMEMBER COOK: Good morning and aloha, Chair. I'm looking forward to today's work and all week. I'm wishing everybody a healthy, productive week.

CHAIR SINENCI: Mahalo, Member Cook. Our Tasha Kama will be joining us shortly because she's en route. Next we have Chair Alice Lee. Aloha and konnichiwa.

COUNCILMEMBER LEE: Konnichiwa, Chair, and congratulations on starting the first full week of Committee meetings for 2023, which is...you're making history today. First time we've started on the third month. So, aloha to everyone, and looking forward to your meeting. No one here...no one is here at my residence, and looking forward to your meeting. Thank you.

CHAIR SINENCI: Mahalo, Chair Lee. Next we have Member Tamara Paltin. Aloha kakahiaka.

COUNCILMEMBER PALTIN: Aloha kakahiaka kākou. From...live and direct from the Council Chambers. We got no testifiers at the Lāhainā District Office. Thank you very much.

CHAIR SINENCI: Mahalo. Next, from Molokaʻi, we have Member Rawlins-Fernandez. Aloha kakahiaka iā ʻoe.

COUNCILMEMBER RAWLINS-FERNANDEZ: Aloha kakahiaka, mai Molokaʻi nui a Hina. I'm at the Molokaʻi District Office, alone at my side of the office...alone in the office. We have no testifiers here. Mahalo.

CHAIR SINENCI: Mahalo, Member Rawlins-Fernandez. Member Sugimura will also be joining us shortly. She is also en route. And in the Chambers we have Councilmember UʻU-Hodgins. Aloha and konnichiwa.

COUNCILMEMBER UʻU-HODGINS: Aloha and konnichiwa. Looking forward to this meeting. Thank you.

CHAIR SINENCI: Mahalo. Okay. From the Administration today, we have Ms. Mimi DesJardins from Corporation Counsel. And joining us today we have Team WASSP, Ms. Jocelyn Moniz, Mr. James Krueger, Ms. Kasie Apo Takayama, Mr. Jared Pascual, Ms. Richelle Kawasaki, Ms. Lei Dinneen, and Ms. Jean Pokipala. Aloha kakahiaka.

**WASSP-1 (1):           MATTERS           WITHIN           THE           COMMITTEE'S**  
**SUBJECT-MATTER   JURISDICTION:   EAST   MAUI**  
**REGIONAL COMMUNITY BOARD   (RULE 7(B))**

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CHAIR SINENCI: Okay, Members, on the agenda today we have one item, a 7(B) presentation on matters within the subject matter of the Committee, discussion in matters related to the East Maui Regional Board appointment process. For this item, I will give a brief presentation explaining the Board's duties and functions and the appointment process. I would like to suggest to the public wishing to give public testimony that you may want to wait to see the presentation prior to giving your testimony. But if you need to do so now, you have that opportunity. Let's begin with public testimony. Oral testimony via phone or video conference will be accepted. Please note that if you are signed in, then you are on the list to testify, even if you did not request to testify. Please let Staff know if chat...in the chat if you are signed on and do not intend to testify. In accordance with the Sunshine Law, testimony can occur at the beginning of the meeting, but cannot be limited to the start of the meeting. The Chair will receive oral testimony for agenda items at the beginning of the meeting, and as the item is called up on the agenda. When testifiers sign up to testify, they must let Staff know whether you wish to testify at the beginning or before the agenda item. Testifiers wanting to provide video or audio testimony should have joined the online meeting via the BlueJeans link or phone number noted on today's agenda. Written testimony is encouraged, and can be submitted via the eComment link at [mauicounty.us/agendas](http://mauicounty.us/agendas). Oral testimony is limited to three minutes per item, and will be accepted at the beginning of the meeting, and prior to the Committee's deliberations. If you are still testifying beyond that time, I will kindly ask you to complete your testimony. We ask that you state your name and the organization, but if you prefer to testify anonymously, Staff will identify and refer to you as Testifier and assign you a number. Please also indicate the agenda item or items you are testifying on. You may indicate in the chat if you do not wish to testify. However, chat should not be used for discussion or comments. Please be courteous to others by turning off your video and muting your microphone while waiting for your turn to testify. Once you're done testifying, and if you do not wish to testify, you can view the meeting on *Akakū* Channel 53, Facebook Live, or [mauicounty.us/agendas](http://mauicounty.us/agendas). Thank you in advance for your cooperation. As a reminder, the chat should not...only be used to sign up for testimony and not for public commentary on the meeting. Members, I will now proceed with oral testimony. Staff.

**. . . BEGIN PUBLIC TESTIMONY FOR ITEM WASSP-1(1) . . .**

MS. APO TAKAYAMA: Chair, the first testifier is Amanda Martin from Nā Moku 'Aupuni 'o Ko'olau Hui, to be followed by Jessie Kekiwi-Aweau.

CHAIR SINENCI: Ms. Martin, did you want to testify before or after the presentation? After? Okay. She's indicated after the presentation.

MS. APO TAKAYAMA: Chair, the next testifier is Jessie Kekiwi-Aweau, to be followed by Tammy.

CHAIR SINENCI: Aloha, Ms. Aweau.

MS. AWEAU: Aloha mae kākou. Aloha kakahiaka kākou. [*Hawaiian spoken*]. With that being

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said, aloha. My name is Jessie Kekiwi-Aweau. And I am the secretary of Nā Moku 'Aupuni 'o Ko'olau Hui. I'm also a lineal descendent of Ke'anae and Wailua Nui. And above mentioned, I recited just a little part of my genealogy or mo'okū'auhau. Of my mother's side, who is Kauamo, which comes from the moku of Ke'anae, and on my father's side, Kekiwi ohana, which comes from Wailua. I am speaking in favor of Item 1 on the agenda relating to East Maui Regional Community Board. I grew up in Ke'anae and Wailua Nui, being able to walk from one kupuna's house to the next kupuna's house. Growing up with both sides of my ohana, being taro farmers and gatherers from mauka to makai. I have seen the change in the rivers flow from being a lot of water when I was younger and growing up to not having any water flowing in the rivers the past recent years. Ke'anae and Wailua Nui means a lot to me and my ohana because this is our only hanau. This is our stomping grounds. The water is very important to our community because it nourishes our streams and stream life, which in turn nourishes our ocean life too. The wai also provides for us kalo farmers and gatherers with the much needed water to grow and restore our lo'i kalo. I would like to mahalo Chair Sinenci and Committee Members for bringing this matter forward and getting the process moving. I would like to add, 'Ōlelo no'eau, he ali'i ka 'āina, he kawā ke kanaka. We are all stewards of this land, and if we take care of the land and its resources, in turn, she shall take care of us, especially our wai. Mahalo for your time and all that you do and will be doing. Aloha.

CHAIR SINENCI: Aloha, Ms. Aweau, and ohana Kekiwi a me ka ohana Kauamo. Members, is there any questions for the testifier? Seeing none. Mahalo again, Ms. Aweau.

MS. AWEAU: Mahalo.

CHAIR SINENCI: Staff, the next testifier.

MS. APO TAKAYAMA: Chair, the next testifier signed in as Tammy, to be followed by the testifier signed in as Mack.

CHAIR SINENCI: Aloha, Tammy. You can go ahead and unmute yourself. Okay, Staff, we can come back to Tammy.

MS. APO TAKAYAMA: Chair, the next testifier is signed in as Mack.

CHAIR SINENCI: Aloha, Mack. Did you want to testify now, or after the presentation? Okay. We're going to keep testimony open anyway, right? Okay. We can come back to them.

MS. APO TAKAYAMA: Chair, there's no other individuals signed up to testify at the beginning of the meeting.

CHAIR SINENCI: Okay. And then we can come back after the presentation. All right. Thank you, Staff. Members, today we will review and discuss matters related to the East Maui Regional Board appointment process. This is a 7(B) topic, so no legislative action will be taken today. I put this matter on the agenda to inform the Committee about the Board appointment process already underway. As you know, Charter Amendment

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Number 12 was approved by this body last year, and placed on the November 8th ballot. It was overwhelmingly approved by voters. The ballot amendment established an East Maui Water Authority, and we understand from Mayor Bissen that his upcoming budget will include his new...this new governmental department as mandated by the Charter. The Board appointment process is jointly done by the Administration and the Council. Today we will review the process. I will start by giving a PowerPoint presentation, and then we can have questions on this process. Mr. Krueger, did you want to go ahead and share the PowerPoint at this time?

MR. KRUEGER: Yes, Chair.

CHAIR SINENCI: Okay. And I believe...is it on Granicus for people to see?

MR. KRUEGER: Yes, Chair. The presentation has been uploaded to Granicus.

CHAIR SINENCI: Okay. Mahalo, Mr. Krueger. Okay. The first slide is East Maui County Community Authority and Regional Board. Next slide.

MS. APO TAKAYAMA: Chair. We're going to reshare screen. It's sharing the wrong one. Thank you.

CHAIR SINENCI: Okay. One moment please. Do you need a recess for that?

MR. KRUEGER: No, Chair. It should be really brief.

CHAIR SINENCI: Okay. It is the first Committee meeting of the year anyway. *(Audio interference)*.

MR. KRUEGER: Apologies for the delay, Chair. It should be ready to go.

CHAIR SINENCI: Okay. Thank you, Mr. Krueger. Okay. This was Charter Amendment Number 12 that passed in November. The Charter will be amended to establish the Maui County Community Water Authorities with regional community boards to manage water collection and delivery systems acquired by the Water Authorities, including State licensed areas in East Maui, and to pursue long-term water lease agreements with the State to provide a long-term reliable supply of water for domestic and agricultural needs. Next slide, please. Oh, this was the outcome of the election. I must say, I'm only second to Member Paltin, I believe, as far as votes. . . .*(laughing)*. . . Next slide, please. We listened to the voters on their water issues. Voters expressed their concerns about having foreign corporate ownership of our local water resources. Voters always...also wanted government action to address continued drought restrictions, particularly Upcountry, and the need for more water. Also, voters wanted local control and sustainable watershed management to grow water for our future, including, you know, fixing the old...100-year-old systems that we have in East Maui. Next slide, please. Okay. The Charter amendment establishes the first East Maui Water Authority and East Maui Regional Community Board. It also establishes the process should other communities want to initiate their own local water authorities through legislation. Next

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slide, please. Okay. The purpose of the water authority is: (1) to acquire State leases; manage water responsibly in partnership with the Department of Land and Natural Resources; address the system leakage of the old water systems so we can produce more water for everybody. Also, to provide more water to the Department of Water Supply for both residential and agricultural use. And specifically, to satisfy the Upcountry water meter list. This would allow for more local housing Upcountry, as well as consistent water resource for agriculture and food production. Next slide, please. What the other purposes of the Board is to first, hire a Water Authority Director. And the avenue...set the avenue for community input and oversight of watershed management. Next slide, please. Okay. So, this was the actual Charter. And I believe Members can access the Charter online on Granicus. Or if you need a copy, just let us know, we can give you a copy. In Section 8-19.3, Regional Community Board Powers, Duties, and Functions. As to the applicable watershed area, each regional community board will appoint the director; review preliminary assessment studies, and environmental reports prepared for...by or for the water authorities; (3) review and approve a long-term watershed management plan, review the plan annually, and provide a written evaluation of each plan goal and implementation status to the Director, Mayor, and to this Council. Next slide, please. Number 4, was to review and approve watershed related programs and priorities. Number 5, review and approve the request to the Mayor for an annual appropriation for the regional operations and capital improvements. Number 6, to provide an annual evaluation of the regional director to the Mayor, and to this Council. Next slide, please. Number 7, to provide written comments on the regional long-term capital improvement plan, the annual maintenance plan, the annual report, the annual operating budget, including recommendations on water rates, and the Federal, State, and private funding plan. Number 8, to hold at least two public community meetings a year in the region, which may be conducted as virtual meetings if necessary. Next slide, please. Okay. And this is where we go into the creation of the board. The board is an 11-member board. Eight members will be from each of the four license areas. They must have experience in water resource management and watershed restoration. They must live in the community plan area...and not everyone who malama the watershed area lives there. Four of the board members will be...this Council will approve--appoint, I mean--and then four that the Mayor will appoint with no Council approval. So, he will put in four of his appointees. The last three, one member from the Water Service Area--and we'll show you a map in a minute with water resource management--one member with water resource management experience actively engaged in ranching, farming, aquaculture, or loko i'a experience in water service area, and one member representing the Department of Hawaiian Home Lands as recommended by DHHL. So, they will put forth their nominee. Next slide, please. Okay. This is the map of the four license areas. In the green is the Nāhiku area. The blue would be the Ke'ānae area. The yellow would be the Honomanū area. And the pink areas would be the Huelo area. Next slide, please. Okay. This is with all the different...and we can all commit to memory all the different streams in each of these areas. So, you guys got some homework. Next slide, please. Okay. This is the Water Service Area. We have the Makawao system, Upcountry, the Olinda system that goes all the way out to Ulupalakua, as well as, the lower Kula system. So, this would be for one member that lives in one of these service areas. Next slide, please. Okay. This is the Board application, and the Committee has since received some of these applications, but it

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was an older model, or older version of the application. What we've since done is take out some of your personal information that we didn't want to share. So, we are giving...we'll probably be giving those people that we received applications from some extra time to redo their...their application. Next slide, please. Okay. And this is the map of the service area for those that might want to apply from these areas. Okay. This is the timeline--and just a couple more slides here. Last December, the Resolution 22-260, Appointments to the East Maui Regional Community Board, was approved for Committee referral. Last December, the Council also released public notice of the Board's seats to be available soon, 14 community members and organizations expressed interest. Today we're having the presentation. Hopefully by next week, the application can be available to the public. On May 8, we'll have those water authority appointments in Committee. And then by May 26th, we'll bring it forth after budget for this Council for approval process. So, I'm not sure, that might come--or we'll see it here or GREAT Committee, I believe here for now. Yeah. Next slide, please. Okay. So, the Water Authority Charter amendment became effective immediately upon the election certification. And so, we are kind of behind schedule in this process. The Board must be established to take the next required steps. One is of...the position descriptions must be developed and approved by the Department of Personnel. The Director's salary needs to be established by the Salary Commission. And we need to...the Board needs to recruit and hire a Director, and then the Director would then hire his or her Staff. And so, we're hoping that before July 1st, is the start date of the water...East Maui Water Authority. Okay. Was that...next slide, please. Okay. At this time, if there are anyone wishing to testify on this item, you can either come up to the podium, or Staff, you'll call?

MS. APO TAKAYAMA: Chair, we can return to Amanda Martin from Nā Moku 'Aupuni 'o Ko'olau Hui.

CHAIR SINENCI: Okay. Aloha, Ms. Martin.

MS. MARTIN: Aloha and good morning. God, it's so nice to be here in the...in the Chambers. Actually, I should start off properly. I'm so sorry. Aloha and good morning, Chair Sinenci, and Members of the Water Authority, Social Services, and Parks Committee. It is such a pleasure to be back here. I'll just take a little side bar, most of you know, I've spent 25 years here. I have great respect for this Chambers, and for you as Members of the Council. And I really, really appreciate all that you do, and having us back here in the Chambers. I love it. Okay. So, I'm Amanda Martin. I am the current Administrator of Nā Moku 'Aupuni 'o Ko'olau Hui. I am testifying in support of Item 1 on your agenda relating to the East Maui Regional Community Board. We are lineal descendants of the Ke'anae and Wailua Nui area, and we are comprised of farmers, fishermen, hunters, and gatherers. At this time, if permission granted, after hearing the presentation, I think it's appropriate that I read a testimony from our Vice-President. So, here it goes. My name is Norman Bushmartin, Vice-President of Nā Moku 'Aupuni 'o Ko'olau Hui. I'm a lineal descendant of Ke'anae Wailua Nui and providing testimony in support of Item Number 1. Mahalo for bringing this matter forward and getting the process moving along. As a kalo farmer, we are not only responsible for planting, maintaining, and harvesting, it also includes knowledge of all mountains and streams,



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maintenance of water systems and repairs, cleaning ditches, and regulating water flow, which I have been doing for over 30 years. It is a way of life growing up in Wailua Nui. Every summer, holiday, school breaks were spent with our Tutu in Wailua and the kalo fields. It is our kuleana to malama 'āina, to care for and honor the land and sea, and to continue to care for the East Maui watershed. From a young age, I learned the indigenous knowledge regarding the ahupua'a, native species in the streams, and acquiring and understanding the importance of water, water flow, gaining firsthand conservation and cultural experience. The numerous days spent with kupuna learning and experiencing the purpose of mauka to makai, water from the tops of the watershed to the marine environment, and endemic lifeform that depends on pristine habitats throughout each land and water system were incredibly valuable. I also believe in incorporating both traditional and western knowledge to improve the sustainability of Ke'anae Wailua Nui ahupua'a. We have learned from our kupuna, and now have this opportunity to combine indigenous knowledge with modern concepts. My brother and I . . .(timer sounds). . . are children of Norman and Victoria Martin. We are the grandchildren of Samuel Akina, Elizabeth Akina-Kekiwi, and the great-grandchildren of James Kalalani Kekiwi and Mary Kaponu. We are lineal descendants. You know, I just want to say one last thing before I end. Prior to farming, yeah, kalo full time and working for the Parks Department, you know, my brother was a carpenter and a drywall hanger with the Carpenter's Union. So, we share in everything that we doing. We are here to share the water, and we want to work with everybody. And that was my main point today. So, thank you very much. I appreciate you guys. We are really looking forward to this, and...what's next? You know, what do we do next? How do we get this process moving? Okay. So, mahalo for your time this morning and love to see you all back in the Chambers.

CHAIR SINENCI: Mahalo, Ms. Martin, for joining us this morning at the first annual WASSP Committee. Members, any questions for Ms. Martin? Member Cook.

COUNCILMEMBER COOK: Ms. Martin, I want to thank you for coming and giving testimony today on behalf of yourself and your brother. And I'm really excited about the fact that all of this process is moving forward. Everything that your family and all of the people, all of the farmers, and lineal descendants and other people who have lived there with love for the land have an opportunity to work together now. I'm excited, and thank you for your testimony.

MS. MARTIN: Yeah. Thank you very much.

CHAIR SINENCI: Any other questions for Ms. Martin? I see...and Ms. Martin, we'll get you the new version of the applications for your community in East Maui Nā Moku 'Aupuni 'o Ko'olau Hui.

MS. MARTIN: Thank you. They're very excited to get started. So, thank you very much.

CHAIR SINENCI: Okay, mahalo. Staff, can you please call the next testifier.

MS. APO TAKAYAMA: Chair, the next testifier is the individual logged in as Tammy, to be

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followed by Mack.

CHAIR SINENCI: Aloha, Tammy. Did you want to provide testimony this morning? Okay. We can go on to Mack.

MS. APO TAKAYAMA: Chair, seeing no response from Mack. Our next testifier is Dick Mayer.

MR. MAYER: Good morning, Councilmembers. Can you hear me?

CHAIR SINENCI: Yes, we can hear you. Do you have a second item on, Mr. Mayer?

MR. MAYER: Three items. First, I'm very pleased that you are finally launching these water authority. This will be the first. I hope in the future that you'll also have them on Moloka'i, West Maui, and Nā Wai 'Ehā areas, as a comprehensive way of operating the water systems on Maui. So, you're setting precedence today. It's interesting for me because in 2009, 14 years ago, I first suggested establishing water authority for this area. And I'm very glad that finally you put it on the ballot, and we now have that as part of our County Government. A couple things that I don't think were mentioned. One is, condition to selecting the Director and everything else. It's obvious the Water Authority will need rules and regulations. And I would urge you, while you're waiting for the Director and everybody else, somebody begin drafting up the rules and regulations that the Water Authorities would be working on...or working under. It's quite a different item, the Water Authority, than all the other boards and commissions that we have, they'll be much more antonymous, they have financial implications, et cetera. So, somebody should be in the process of drafting up those rules so that on July 1st, there will be a draft that somebody, whether it's the Council or this Committee, will have to adopt for the Water Authority. The other thing is, that I would hope that you would not limit the boundaries of this Water Authority to just the State lease areas. There are two major water sources Upcountry in Olinda, the Waikamoi area, and Piiholo. Those water sources would supply the water for all the way out to Ulupalakua. Very important, and I'm sure should be integrated into the Water Authority for the State lease areas. And so, I'm hoping that you'll draw boundaries for the land that the Water Authority will cover that will include both the lease areas, the four State lease areas, as well as the water that's gotten Upcountry in Olinda and Piiholo. Those water supplies also come from EMI, Mahi Pono owned land, and are very important. In fact, much of the water that we use Upcountry comes from that land area. So, just something to work on as you make progress with this. And I thank you very much for listening to me, and wish you all the best in establishing a very effective Water Authority.

CHAIR SINENCI: Mahalo, Mr. Mayer, for those suggestions. Members, any questions for Mr. Mayer? Seeing none. And mahalo again for your continued participation. Thank you.

MR. MAYER: Best of wishes.

CHAIR SINENCI: And Members, just for clarification, yeah, this won't be our only meeting of the year. It's just the first one of the term. Okay. Staff.

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MS. APO TAKAYAMA: Chair, there are no further individuals who have indicated they would like to testify at this time.

CHAIR SINENCI: Okay. Is there anyone else out there wishing to testify? We see Mr. Law approaching the podium.

MR. LAW: Aloha kakahiaka, everybody.

CHAIR SINENCI: Aloha.

MR. LAW: JC Law from Kula Uka. And yeah, I'm glad that Mr. Mayer testified before me because he's premiere authority up there on pretty much everything. I would like to get a job at a farm up there if I could. And so, yeah. We need help. Thanks, guys. And don't forget about Moloka'i and Lāna'i and even Kaho'olawe. No questions, Mr. Cook?

CHAIR SINENCI: Any questions, Members, for Mr. Law?

MR. LAW: You're doing a good job, man.

CHAIR SINENCI: Mahalo for being here. Okay. Members, without objections, if there are no more testifiers I will now close public testimony for this item.

**COUNCILMEMBERS VOICED NO OBJECTIONS.**

CHAIR SINENCI: Thank you.

***. . . END PUBLIC TESTIMONY FOR ITEM WASSP-1(1) . . .***

CHAIR SINENCI: Okay. Members, I'd like to open up the floor for questions, and then discussion. And we can propose rounds if you...you know, if you ask a couple of questions first, and we can always come back to you. Any questions? Did everybody get the...any handouts? Oh, the application, if you need any...if you have any questions for the application process. Members, online, it's uploaded to Granicus.

MR. KRUEGER: Chair, the application is also on Granicus. Yes.

CHAIR SINENCI: Okay. And just to answer Mr. Mayer's question about the rules. So, the authority would work as a department, and is subject to the same County operational procedures as all other departments. Okay. Mr. Cook.

COUNCILMEMBER COOK: Thank you, Chair. To date, how many applications have been submitted? I'm just curious.

CHAIR SINENCI: We received...the Committee received about four or five to the Committee, and then we'll be sending them the new one, as mentioned. The OCS Staff didn't want

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to share the private portions of their applications. And so, we'll have them, and then they'll have some time to redo their applications.

COUNCILMEMBER COOK: Thank you. Follow-up question?

CHAIR SINENCI: Go ahead.

COUNCILMEMBER COOK: The timeline is really tight by July. As far as like the funding and the budget and the structure of the Committees, is that...we're going to have some subsequent meetings to discuss that, and will it be part of this upcoming budget session?

CHAIR SINENCI: Yes, to the last part of your question. So, we've spoken with the Administration, and so, they'll be including it in this in this upcoming budget for the new Water Authority. And yeah, we'll be bringing this up. I guess the next...the next phase is to...we do have a resolution. So, when the resolution is referred to this Committee, then we can bring it up then. Great question.

COUNCILMEMBER COOK: Thank you, Chair.

CHAIR SINENCI: Yeah. Member U'U-Hodgins.

COUNCILMEMBER U'U-HODGINS: Thank you, Chair. What is the deadline for the applications?

CHAIR SINENCI: Did we have it on there? Sorry. Let me check.

COUNCILMEMBER U'U-HODGINS: You kind of said it. I might have missed it.

CHAIR SINENCI: Okay. The Water Authority begins in July. And so, we've given...it's going to go out in --

COUNCILMEMBER U'U-HODGINS: I saw March 13th they were available.

CHAIR SINENCI: Correct.

COUNCILMEMBER U'U-HODGINS: But when are they due?

CHAIR SINENCI: So, hopefully we can get them at the end of May. We want to bring them forth for you guys' consideration.

COUNCILMEMBER U'U-HODGINS: Okay.

CHAIR SINENCI: So, probably May 8th?

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

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CHAIR SINENCI: Well, it looks like May 8th will be the posting for the May 26th appointment. So, I guess the absolute last day would be May 8th.

MR. KRUEGER: Chair?

CHAIR SINENCI: Oh, Mr. Krueger.

MR. KRUEGER: Apologies. We'll likely need the applications in time for posting for that May 8th meeting. So, perhaps a tentative due date could be May 1st?

CHAIR SINENCI: May 1st? Okay.

COUNCILMEMBER U'U-HODGINS: Thank you.

CHAIR SINENCI: Thank you, Mr. Krueger. Any other questions from our Members online? Committee Vice-Chair Johnson. Go ahead.

VICE-CHAIR JOHNSON: Thank you, Chair. So, I was really intrigued...can you guys hear me? I'm sorry. I'm kind of echo-y here. But I'm really intrigued with the idea of the Water Authority reviewing and approving watershed-related programs. I just want to clarify, they're not making the programs and the plans. They are approving...reviewing and approving them, right?

CHAIR SINENCI: Yes. And firstly creating them to . . .*(inaudible)*. . . on those areas of need within their watershed. Having that expertise and experience within their specific districts gives them that chance to kind of highlight those areas where they see fit. There is acting legislation, so they're bound to some of the parameters due to some court-mandated issues, specifically out in East Maui, the ten different streams that have been part of that court decision.

VICE-CHAIR JOHNSON: Okay. So, for that...so they're required by law to come up with plans for those ten streams, is that what I'm hearing?

CHAIR SINENCI: Well, and a watershed management plan is also required for each of the lease areas.

VICE-CHAIR JOHNSON: Okay. And that...you're saying that the Water Authority could create them, and then they're the ones reviewing their own ones that they create, is that what they're doing?

CHAIR SINENCI: Yes. Correct, Member...Committee Vice-Chair Johnson. In collaboration with the State.

VICE-CHAIR JOHNSON: Oh, okay. With DLNR, I assume, right?

CHAIR SINENCI: Yes.

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VICE-CHAIR JOHNSON: Okay. Thank you so much, Chair. No further questions.

CHAIR SINENCI: Mahalo, Vice-Chair. Before I go to Member Paltin, the Chair would like to recognize Member Sugimura. Konnichiwa and welcome.

COUNCILMEMBER SUGIMURA: Good morning. Konnichiwa. So, yeah. Good morning, everybody. I'm back from Big Island, and sorry I'm late for the meeting. But I do have a question and I'll just wait my turn. Thank you.

CHAIR SINENCI: Okay. I can call you after Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. My question was in the presentation where it says not everyone that malamas lives in the area. Is that just FYI, or does it mean like if you malama and don't live in the area, you could fall under one of those eight people?

CHAIR SINENCI: I can refer to Ms. DesJardins if she's on the line to answer your question.

MS. DESJARDINS: Good morning, everyone. So, Member Paltin, under Section 8-19.2, there's a description of the Regional Community Boards and the different requirements for the folks...of the 11 members. In a nutshell, there are eight members. A minimum...if you look at the first eight, a minimum of two have to be from each licensed area. So, from doesn't mean reside, but the only qualification being that they reside in the community plan area in which that license exists. Planning is working on a great map right now that will show you folks the licensed areas and then the overlay of the community plan. And I have a draft of it ready, but it's...but we're working on it a little bit more to put the names in. The only licensed area that spans to community plan areas, it's like a Huelo license area. Otherwise, Honomanū, Ke'ānae, and Nāhiku area all in the Hāna community. So, we're going to have that ready so that when you folks are working on qualifications and who qualifies, you'll have that information right in front of you real easy to see if somebody lives very rurally, which community plan are they in. But then there are three members who are a little bit more broad, and one is picked by DHHL, and there isn't a qualification for that person to live in the licensed area or be from it. There is one person that has to be a farmer or rancher who resides...or who ranches in the area where the water service is provided. And then there's a third member who has to have experience in water resource management, who also lives full time in the water resource area. So, we're working through making it clear for you folks, like how to be able to get all those folks together.

COUNCILMEMBER PALTIN: And just to clarify what you said, when you say from the area does that mean like their mo'oku'auhau traces back to the area?

MS. DESJARDINS: So, there isn't a definition for from, and we've discussed that with Chair Sinenci. It'll be up to you folks, when you're vetting these applicants, to determine whether or not there is enough connection to those different licensed areas for you to be satisfied that they are from there. But again, it doesn't say reside there, okay. So, yes. That could definitely be, for example, lineal descendants who no longer reside there, but they still live in the community plan area where the license is located.

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COUNCILMEMBER PALTIN: Okay. Thank you. Thank you so much for that, doing that work to make it easier for us to understand. That's helpful.

CHAIR SINENCI: Mahalo, Member Paltin. Member Rawlins-Fernandez, did you have a question?

MS. RAWLINS-FERNANDEZ: Mahalo, Chair. I can yield to Member Sugimura, since she was next. But I just wanted to add to Ms. DesJardins' comments that the three--I believe it says the three remaining members are appointed by Council based on the following requirements: one member with experience in water resource management engaged. So, though three, one is recommended from DHHL, but not appointed. So, the three would be appointed by Council.

MS. DESJARDINS: Yeah. Thanks. Yeah, exactly.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Ms. DesJardins. Mahalo, Chair.

CHAIR SINENCI: Mahalo. And my apologies, Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. So, Mimi DesJardins answered my question, so we'll just wait until we get more clarification as we see that. Thank you.

CHAIR SINENCI: And Ms. DesJardins, maybe we're looking at just clarifying that definition of from.

MS. DESJARDINS: Yeah, not necessarily clarifying. I think it's more of a discussion. When you folks look at your applicants and they...in the application they're explaining what their connection is and, you know, how...you know, why they think they qualify, then you would have a discussion of whether you feel that those folks are from that area. But there's not like a legal definition in there.

CHAIR SINENCI: Okay. Got it. Thank you. Members, any need for a second round of questions? Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Okay. So, slide 11, where it says 11, four appointed by the Mayor, four without Council approval, and four appointed by the Council, I don't know if we would want to update that slide to include that. In addition to the four of the license area members that would be appointed by Council, that the three would also be appointed by Council with those specific criteria.

CHAIR SINENCI: And we did meet, Member Rawlins-Fernandez, with the Administration, so he might have his own process of presenting his four appointees. So, I don't know --

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Mahalo, Member Sinenci...I mean, Chair.

CHAIR SINENCI: -- if people might want to send their application to him as well.

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COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. So, just a quick...and, you know, we can cross that bridge if we get there. But, in the eight members that must have experience and are appointed by Council and by the Mayor, it just says that two would have to be from each of the four license areas. It doesn't say that the Mayor would have to choose one from each license area and then the Council would have to choose one from each license area. It just says that two would have to be from each of the four. So, if the Mayor were to choose two from two of the places, two of the licensed areas, then Council...and he appoints first, then Council would then be restricted to two from the remaining licensed areas, and any, you know, assortment of that. But, do you have an idea of if the Mayor is looking at choosing one from each license area?

CHAIR SINENCI: Yes. That's correct, in the discussions we've had with him.

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, great. I think that was the...might have been the intention, yeah.

CHAIR SINENCI: Yeah. But great question. It's not...you're right. It's not in there for his choices. But yeah, that was the discussion we had with him.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Mahalo, Chair.

CHAIR SINENCI: Mahalo, Member Rawlins-Fernandez. Chair Lee, did you have any questions at this time?

COUNCILMEMBER LEE: Chair, I was just thinking about primarily how we are going to fund this operation. And I would imagine we would need to hear more from the Water Department on how these types of operations would be managed, and how we would fund them. But I don't see that we're open...well, we don't seem to have resources for that discussion today.

CHAIR SINENCI: Yes, and we --

COUNCILMEMBER LEE: So, I don't have any other questions or comments. Thank you.

CHAIR SINENCI: Okay. Great--yeah, recommendation, Chair, and then we can bring the Department up in future meetings. Yes, today is just about the Board process. Okay. Another question, Member Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. In the Charter amendment, Section 8-19.6, Water County Community Water Authority's Fund, it does say where the funding for it would come from. All or a portion of the revenues of the water authorities may be transferred to a regional water system fund, which may be used for regional water systems. The funds may be used to fulfill the powers, duties, functions, et cetera. Any of these funds wouldn't be lapsed. The Council would establish procedures for the Administration and expenditures of these revenues. So, it wouldn't necessarily come out of--or at all--out of the water fund. So, I don't think we would



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necessarily need to talk to the Department of Water Supply because none of the funding for that comes from the Department of Water Supply, which is funded by water rates. Mahalo, Chair.

CHAIR SINENCI: Mahalo, Member Rawlins-Fernandez. Chair Lee, and then Member Sugimura.

COUNCILMEMBER LEE: I would still like to have that discussion with the Water Department. Because if we used revenues from fees that the Water Department allocates for other uses, you know, we need to know how they spend the monies that they collect, and do we need to subsidize the operation for East Maui, you know, in case there isn't enough money to cover the operations. So, I think we have enough time to have these discussions. Thank you.

CHAIR SINENCI: Mahalo, Chair Lee. Member Sugimura.

COUNCILMEMBER SUGIMURA: Yeah, thank you. I think I remember when this was in deliberations, when this was voted on in your Committee, Chair, that you said that the money would come from grant funding, and that the positions are in the Department. So, is that still the plan, or are things changing?

CHAIR SINENCI: Mahalo, Member Sugimura. That's still the plan. And we're hoping...the Committee is currently working on a financial plan, and so...something that we can come out and share. I know that Member Sugimura did propose to look at the finances of the Department. So, we're currently working on that and hopefully we can bring that forth for the Council's consideration.

COUNCILMEMBER SUGIMURA: So, Chair?

CHAIR SINENCI: Yes, yes.

COUNCILMEMBER SUGIMURA: Chair, could I just kind of clarify? I was hoping for the community to get a feasibility study of what this is going to cost the taxpayer. So, that's what I was looking forward to, but the resolution was never heard last term. And I hope that we do something this term because as soon as we get, you know, the structure established and where we're going, we need to know what the cost is. So, I'm still...I still am looking for that --

CHAIR SINENCI: Yeah.

COUNCILMEMBER SUGIMURA: -- and not necessarily only from the Department but, you know, from a grander scale. Thank you.

CHAIR SINENCI: Yes. We remember that proposal, and we're...like I said, the Committee is working on that to bring forth for you guys' consideration. Committee Vice-Chair Johnson.

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VICE-CHAIR JOHNSON: Thank you, Chair. This is a quick question in regards to the DHHL appointment. The...my understanding is...what I'm reading, they don't have any of the prerequisites that the other candidates for this Board would have, like being of the place. And DHHL just submits a name, is that my understanding? And if so, if they have to fill out an application, will we be able to see their application, or is it just DHHL giving us a name, and that's the process? So, I'm curious on how that happens.

CHAIR SINENCI: It was decided that DHHL will present their appointee.

VICE-CHAIR JOHNSON: Okay. Thank you.

CHAIR SINENCI: Member Sugimura.

COUNCILMEMBER SUGIMURA: Yeah. Good discussion. And I wonder if we could also have someone at the appropriate time, Chair, from DLNR, CWRM, just to see how this all interacts, and, you know, what...yeah, how it interacts, and what kind of approval is needed for recognition of this new board. Thank you.

CHAIR SINENCI: Mahalo, Member Sugimura. Yes, we can bring them up as a resource. Just to let you know, we've been meeting with them regularly. Okay. Member Cook.

COUNCILMEMBER COOK: Thank you, Chair. I want to acknowledge that there's a lot of moving parts, a lot of variables, a lot of things to be answered, a lot of questions to be answered. I'm supportive and grateful for you to initially start this because this is the beginning of the process. And I encourage everybody to weigh in, work together, and see...see how we can collectively meet the objective of long-term supplying water and...for agricultural, potable, cultural needs. And there's a lot of work to be done, and I'm just hoping that we can all continue to work together, and thank you for having this meeting.

CHAIR SINENCI: Mahalo, Member Cook. Shucks, that was going to be my opening remarks on Friday. Thanks for writing out the verse...stanza. Mahalo, Member Cook. Okay. Any other questions from the Members? Oh, Member Paltin, did we get you? You're good? Okay. And then of course, our Committee is always open to receiving more comments and great recommendations for us to follow up for our next future meetings. There won't just be one annual meeting a year, I promise. Okay, then. Staff, we may have to start at 10:00 next time. Monday mornings are brutal. Okay. So, anything else, Staff?

MR. KRUEGER: Chair, there appears to be nothing else before the body at this time. You can proceed with deferring the item if you'd like to do so.

CHAIR SINENCI: Okay. Members, if there are no objections the Chair would like to defer this item at this time.

**COUNCILMEMBERS VOICED NO OBJECTIONS.**

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**ACTION: DEFER pending further discussion.**

CHAIR SINENCI: Okay, great.

MR. KRUEGER: Chair, there is no further business before the Committee.

CHAIR SINENCI: Okay, we've got...you all got an early lunch and a longer one too. So, see you guys at 1:30 for the WAI Committee with Councilmember Cook. Same...well, different bat time, same bat channel. This concludes today's Water Authority, Social Services, and Parks Committee meeting. Mahalo, everybody for joining this. It is now 10:03...10:04, and the WASSP Committee is now adjourned. . . .(gavel). . .

**ADJOURN:** 10:04 a.m.

APPROVED:



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SHANE M. SINENCI, Chair  
Water Authority, Social Services, and Parks  
Committee

wassp:min:230306:jcm:ta

Transcribed by: Terianne Arreola

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CERTIFICATION

I, Terianne Arreola, hereby certify that pages 1 through 19 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 6th day of April 2023, in Wailuku, Hawai'i

  
Terianne Arreola