

**WATER RESOURCES COMMITTEE**  
Council of the County of Maui

**MINUTES**

**August 3, 2016**

**Council Chamber, 8<sup>th</sup> Floor**

**CONVENE:** 9:05 a.m.

**PRESENT:** VOTING MEMBERS:  
Councilmember Gladys C. Baisa, Chair  
Councilmember Robert Carroll  
Councilmember Elle Cochran  
Councilmember Don Couch  
Councilmember Stacy Crivello  
Councilmember Mike White

**EXCUSED:** VOTING MEMBERS:  
Councilmember Michael P. Victorino, Vice-Chair

**STAFF:** Kimberley Willenbrink, Legislative Analyst  
Clarita Balala, Committee Secretary

Ella Alcon, Council Aide, Molokai Council Office (via telephone conference bridge)  
Denise Fernandez, Council Aide, Lanai Council Office (via telephone conference bridge)  
Dawn Lono, Council Aide, Hana Council Office (via telephone conference bridge)

**ADMIN.:** David Taylor, Director, Department of Water Supply  
Jase Miyabuchi, Civil Engineer, Department of Water Supply  
Edward S. Kushi, Jr., First Deputy Corporation Counsel,  
Department of the Corporation Counsel  
Jennifer M.P.E. Oana, Deputy Corporation Counsel, Department  
of the Corporation Counsel

**OTHERS:** Dick Mayer  
Rosemary Robbins  
Annette Niles  
Tom Croly  
Bobbie Patnode  
William G. Jacintho  
Ryan Churchill  
J.C. Lau  
(3) additional attendees

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

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**ITEM-6(1)       DEPARTMENT OF WATER SUPPLY PRESENTATION**

CHAIR BAISA:   ...*(gavel)*... Will the meeting please come to order. My name is Gladys Baisa and I'm the Chair of the. . .

COUNCILMEMBER COUCH: Your mic's off.

CHAIR BAISA: We're gonna have to learn how to deal with these microphones. Let me start over. Will the meeting please come to order. My name is Gladys Baisa and I am the Chair of the Water Resources Committee. Today is Wednesday, August 3, 2016 and it's approximately five minutes after 9:00 in the morning. I'd like to welcome everyone and ask everyone before we start if you'd please check your cell phones to make sure that they're on the silent mode and I'll check mine, too. I'd like to introduce the Members of the Committee that are here this morning. Unfortunately, my Vice-Chair Mike Victorino is excused today. We have Robert Carroll from East Maui.

COUNCILMEMBER CARROLL: Good morning, Chair.

CHAIR BAISA: Good morning. We have Elle Cochran...I'm sorry, we have Chair White.

COUNCILMEMBER WHITE: Good morning.

CHAIR BAISA: He's from Makawao, Haiku and Paia. And we have Ms. Cochran, Elle from West Maui.

COUNCILMEMBER COCHRAN: Yes. Aloha. Good morning, Chair.

CHAIR BAISA: Aloha. We have Don Couch from South Maui.

COUNCILMEMBER COUCH: Aloha. Good morning, Chair.

CHAIR BAISA: Aloha. And we have Stacy Crivello from Molokai.

COUNCILMEMBER CRIVELLO: Aloha and good morning, Chair.

CHAIR BAISA: Aloha. Well, we've got most of our Committee here. And from the Administration, we have Dave Taylor, the Director of Water Supply.

MR. TAYLOR: Good morning, Chair.

CHAIR BAISA: And we have Jase Miyabuchi, Engineer.

MR. MIYABUCHI: Good morning.

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CHAIR BAISA: And we also have Jennifer Oana, who is the Deputy Corporation Counsel, and we also have in the corner trying to escape, Ed Kushi, our Deputy Corporation Counsel. Wow, we got two attorneys today. We're in trouble. We also have our Staff, we have Kim Willenbrink, our Legislative Analyst.

MS. WILLENBRINK: Good morning, Chair.

CHAIR BAISA: And we have Clarita Balala, our Committee Secretary. In our District Offices, we have Dawn Lono in the Hana Office. Good morning, Dawn.

MS. LONO: Good morning, Chair. This is Dawn Lono at the Hana Office.

CHAIR BAISA: Thank you for being there. We'll get back. Denise Fernandez in the Lanai Office.

MS. FERNANDEZ: Good morning, Chair. This is Denise Fernandez on Lanai.

CHAIR BAISA: Good morning, Denise. We'll get back to you. And in, we have Ella Alcon in the Molokai Office.

MS. ALCON: Good morning, Chair. This is Ella Alcon on Molokai.

CHAIR BAISA: Morning, Ella. Thanks for being there. Members, we have one important item on the agenda today. WR-6(1), a Department of Water Supply Presentation relating to water meter applications. I would like to receive the presentation before we take public testimony, if there are no objections.

COUNCILMEMBERS: No objections.

CHAIR BAISA: Thank you very much, Members. We will do that, and the reason I'm doing that is because we have had a lot of requests from folks who have said would you please show us the presentation and then maybe we can include our remarks in our testimony. So we might as well give folks that opportunity because we're here. We have a specific reason for what we're doing today and I'd like to explain it to you. It's a little unusual kind of meeting, but the reason why we're doing this today is because I am continuously stopped and asked about water meters. It's the No. 1 subject that I get asked as the Upcountry Councilmember. When am I going to get my meter? Why is it taking so long? Why do I have to do all this paperwork? I think that you should be doing this faster. How many have you given out? How long did it take, you know, questions and a lot of questions that I think need to be answered for the public. And today, we're very, very fortunate that we have Jase Miyabuchi with us today and he's the Engineer who actually does all this work hands on and I figured we might as well get the guy who does it so we'll get straight answers. And I welcome you to ask questions, Members, as we go and Jase is going to be speaking from a presentation. We will not have a, we're not going to have a PowerPoint or anything fancy, but you have a, written notes of what he's going to be talking about. As he speaks, if

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something rings a bell and you want to ask a question about it, please, let's raise our hands or let me know that you want to do that and let's take care of it then. And then when we're done, we'll have the testimony and after the testimony, we'll have another opportunity to ask some more questions. We want to make this as productive as we can and I ask everyone to please try to be productive. We know that this is an issue that's been around since I was a child and I, since I've been on the Council, and it's something that gets people very emotional and, you know, they're just tired and frustrated when they speak, so I ask everybody to please be patient and try to be kind, but we do welcome any of your suggestions and if you have questions, please ask them. So, Mr. Taylor, you're the man of the hour next to Jase. Do you have any opening remarks?

MR. TAYLOR: No, Madam Chair. I'll just turn it over to Jase Miyabuchi. He's an Engineer VI in the Engineering Division of the Department of Water Supply and he's the head of the section that handles Upcountry and West Maui. So Jase will be walking you through the history of the Upcountry meter list and the process we go through.

CHAIR BAISA: Thank you, Mr. Taylor. Jase, go right ahead.

MR. MIYABUCHI: Thank you. Good morning, Chair Baisa. Good morning, Members. So as Mr. Taylor had said, first I'm gonna go a little bit into the background of how the Upcountry list was created and then I'm gonna speak a bit about general procedures of how we go about crafting these letters, these meter offer letters from the priority list and some of the challenges that we do face in this whole process.

CHAIR BAISA: Jase, I'm going, you know, we have new microphones and we had this problem yesterday. There was this constant reverberation. You know, before we had to get into our mics in order so people could hear us, but now we don't need to anymore because it gives that back thing which we don't really need.

MR. MIYABUCHI: Okay.

CHAIR BAISA: We want to really hear you. Thank you.

MR. MIYABUCHI: Okay, sure. So in March of 1993, the Department determined that the existing Upcountry water system was found to have insufficient water supply developed for fire protection, domestic and irrigation purposes, to add new or additional water services without detriment to those already served. So therefore, the Department created and maintained a list of Upcountry properties listed by date of application for these people who had requested new and additional water service. In 2002, the Department created the Maui County Administrative Rule Title 16, Chapter 106, called the Water Meter Issuance Rule for the Upcountry Water System. The purpose of the rule was to outline a procedure for processing these applications for water service on the priority list. In the meantime, new applications and new applicants were continually added to the list as they came in. In 2009, this rule was codified into the Maui County Code, Chapter 14.13, Water Meter Issuance Provisions for the Upcountry Water System. In this codification, a provision was added that

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effective January 1, 2013, the Department would not accept new applications to be placed onto the priority list. Therefore, the list was effectively closed from that date. On October 8, 2015, Ordinance 4255 was passed and became effective. It was primarily an avenue to provide an exemption from Department of Water Supply subdivision fire protection requirements for applicants on the priority list, but it also stipulated that applicants on the list as of January 1, 2013, who decline such water service offers would be allowed to be placed back onto the list at their prior placement. Therefore, these 45 applicants shall be reoffered water service prior to the applicant listed at No. 1 on the original priority list. It should be noted that while Ordinance 4255 gave an exemption for Department of Water Supply fire protection requirements, it does not give exempt, it does not exempt applicants from Department of Fire and Public Safety requirements. Their requirements still apply. So that was a little bit of the background. So for general procedures, as additional source becomes available, the Department per code processes water service requests from the priority list in their list order. Recently, two backup wells in the H'Poko area have gone online and that increased the reliable capacity of the Upcountry system. This backup source allowed the Department to begin water service offers off the list in April in 2014. So water service offers, you know, they come in the form of certified mail letters from the Department to the current owner of the list, of the property on the list. The current owner and their mailing addresses are determined and verified through Real Property Tax. So the majority of the time spent on generating these water meter offer letters begins at this point. There are three different ways properties are placed onto the list, through a building permit application, a subdivision application or proposal or a water service request. A building permit application, you know, it's when it was applied way back when, whether or not they needed a meter upgrade, it didn't matter. They were placed on the list based on that. For subdivisions, they were placed on the list under the assumption that they needed additional meters for each of their new subdivided lots and a water service request is just a request just for a meter or a meter upgrade. So after determining which situation applies, all files regarding that property are gathered, multiple files may apply, subdivision files, water service files or development files. Sometimes in the case of subdivisions, files for other properties are examined due to their relationship to the list on the property, maybe new lots were created or there are other subdivisions, you know, tied to that original subdivision on the list.

CHAIR BAISA: Jase, who is dealing with all this paper at this point, all these files?

MR. MIYABUCHI: It's the engineer that's crafting the letter. Their responsibility is to gather all applicable files related to that entry.

CHAIR BAISA: And is that normally you in the case of the Upcountry water meter list?

MR. MIYABUCHI: Yes.

CHAIR BAISA: So it's not a bunch of people? It's essentially you?

MR. MIYABUCHI: Right now as our Department is structured, yes.

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CHAIR BAISA: I think that's very important for the public to know. Anything else you want to add?

MR. MIYABUCHI: Yeah. We have undergone a partial reorg to kind of shift around some of the engineers, so we do have a couple of people under me. And, you know, we're also in the process of hiring new engineers to fill out the and complete the staff, but...

CHAIR BAISA: Let's talk about that hiring new engineers. I understand that we've talked about this in this Council, in this Committee before. Is that improving or we're still at a point where we can't hire? Maybe Mr. Taylor can help?

MR. TAYLOR: The Department currently has I think five engineer positions open. The County as a whole is struggling with engineer positions. As an example, the person who would be helping Jase, that position is an Engineer, Level V. Engineers go from Levels I through VI. Jase is a VI, somebody right out of school is a I. So the Engineer V job, for example, tops out at \$85,000 a year and somebody with 1 year of professional engineering experience, meaning they got out of school, they got their license, which is usually 4 or 5 years later, plus an extra year. So you're talking about somebody who's been out of school roughly 6 years would qualify for this job. So, the way people apply, there's a County advertisement for Engineer V and people apply for that job, whether that's for...they don't, the applicants don't know if it's for us or DSA or Public Works, they just apply for an Engineer V. We are currently filling off that list as are some of the other departments. Without going into the details, I can tell you that every single person on that list is an existing County Engineer at a lower level. So even an \$85,000-a-year job for an engineer, there is not a single person from outside who applied. So all that's going to happen through the County is we will probably hire somebody for this job which will create an opening either in our department or a different department, you know, and so on and so forth. People are essentially applying for promotions, but no one's really applying to be new County engineers. People are applying to get promotions within the County. So we have openings, other departments have openings. Because the construction, private construction is booming right now, it seems that the County overall is not competitive with engineers, we may end up be doing better than other departments maybe because we have a few higher positions, we may not. So I foresee for the next couple of years, there is gonna be some holes in engineers through the County. I don't know how the juggling is gonna work, who's gonna end up where, but outside people don't seem to want to work for the County at engineer positions right now.

CHAIR BAISA: Okay. Thank you, Mr. Taylor. Members, any questions in this area? Okay. Jase, move on, please. I'm sorry, but we're gonna try to, you know, get information out as we go. Thank you.

MR. MIYABUCHI: Thank you.

COUNCILMEMBER COCHRAN: Chair, if I may?

CHAIR BAISA: Yes, Ms. Cochran.

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COUNCILMEMBER COCHRAN: Right. Here's my mic. Thank you. And thank you, Department. So just to get it straight from, at this point. Letters are generated and you get these letters generated by looking through applications, basically or, you know, like you said, building permit applications, subdivision applications, so on and then, you're looking into different files to figure out how you're gonna draft and craft these letters that are gonna be sent out, so you need a Engineer VI to do this? I mean, you need all that background in order to compile this kind of information out of files and wherever to draft a letter to send to the person? I'm just wondering.

CHAIR BAISA: Please just go ahead. Don't wait for me to call on you.

MR. MIYABUCHI: Okay. Well, so currently, the way, again, the way our, my district is structured, pretty much it's myself working on, for, on the majority of the list and the majority of the research on the list. But as we get, like I said, as we get these new, this partial reorg done, we get these other engineers kind of up to speed, of course, they can do these other processes, the background processes. As a VI, you know, as, you know, I'm, as I'm gonna go on and explain, there's also detailed calculations, analysis of the water system that needs to be done, which is typically done at a higher level, not so much at the lower level. The lower level again is there for more of the, I can do the, they can do the background on the research of the files and whatnot, yeah.

COUNCILMEMBER COCHRAN: Sure. Okay. Yeah, just wanted clarification on that. Thank you, Chair.

CHAIR BAISA: Very good. Okay, Jase, please, go ahead.

MR. MIYABUCHI: Thank you. So to continue, detailed examination of the files are important as past allowances could dictate how the offer letters are drafted. It is important to not require the public to do more than they need to, but it is also important to follow through on past encumbrances on the property. For example, past agreements tied to the property may command that certain water system improvements be constructed now. For example, family subdivision, you know, it's basically a deferral agreement, defer its improvements to a future time until something's triggered. Also easement documents, or rather the lack of easement documents also add requirements to applicants. Further, past building permits which may or may not have been constructed dictate how letters are written due to possible inadequate water meter sizing. And finally, past decisions from Board of Water Supply hearings need to be understood and followed accordingly. Once the files are examined, the existing water system serving the property is analyzed. Calculations based on fire protection and/or domestic use requirements are run and the results are compared to Department standards. Part of the calculation process may involve communications with plant operations employees as they have knowledge of specific system settings and valve configurations which in turn could affect the numbers. If the calculation results do not match Department standards, requirements for water system improvements are added to the letters. Letters are drafted with all applicable requirements, then sent

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out by certified mail, usually in batches of properties at a time, maybe 10 to 20 properties per batch. The applicants per Code, have 30 days from the day they receive the certified mail to respond to the Department. Negative responses or failures to respond are treated as a refusal of water service and the subject property is removed from the list. During the 30-day window...

CHAIR BAISA: Jase, hang on a second. Mr. Couch?

COUNCILMEMBER COUCH: Yeah. I know 30 days seems to be kind of a short amount of time if somebody happens to be off-island for an extended period of time or something like that. Is there a...is that, was that done by ordinance or is that, is there some sort of leeway you can do on that if somebody comes in and said, oh, I got this, you know, couple months ago and I just got back?

MR. MIYABUCHI: Yes. Yeah. Thank you, Member. So, the way the Code reads is this 30 days does not start until they actually sign that certified mail card. So if they do not get it, it comes back to Department, then we try again, but the 30 days doesn't start at that point, yeah.

COUNCILMEMBER COUCH: Okay. Great. That's, it's important to know because on other things, we always get concerns about, hey, I didn't get it.

CHAIR BAISA: Right. Right.

COUNCILMEMBER COUCH: Okay. Thank you.

MR. MIYABUCHI: Thank you.

CHAIR BAISA: I'm glad it's certified mail and that helps, too. Okay. Go ahead, Jase.

MR. MIYABUCHI: Thank you. During the 30-day window, the Department receives multiple inquiries and requests from the applicants, sometimes relatives of the applicants or even prospective buyers of the property. These inquiries usually leads to multiple face-to-face meetings with the public in order for them to either understand the requirements or to at times even contest the requirements. This point, it's a, I'd like to speak about it a little bit more --

CHAIR BAISA: Sure. Go ahead.

MR. MIYABUCHI: --and the fact that --

CHAIR BAISA: Go ahead.

MR. MIYABUCHI: --it's a bit different, these applicants on the list versus say a bigger developer who already has licensed engineers already on board, maybe licensed architects on board that they have at their disposal. But typically, you know, people on the list, they're everyday people, they're not big developers, so they may not fully



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understand the whole process, the ins and outs, which is why it leads to these meetings and again, sometimes they contest why they have to do all these requirements, these improvements and whatnot. So, you know, it does take time there for these back and forth meetings. Like I said, sometimes family members get involved and sometimes there's disputes on the property, on the land, and it does get kinda contentious sometimes so I'd just like to make that a point.

MR. TAYLOR: If I may add to what Mr. Miyabuchi said, it's these types of things that end up eating a lot of time. Most of the meetings that the Deputy and I get involved in that bump up to our level are applicants who don't have engineers on board, that don't understand the rules, that don't necessarily want to accept the information from lower levels, you know, want a meeting with the Deputy Director, want a meeting with the Director, so we meet with staff, they come in again and more time is spent explaining again how the system works, what the ordinance says. It's meetings that tend not to happen with applicants that have professional engineers. I almost never have to meet with applicants who have an engineer because their engineer explains this to them, so a lot of our time is spent essentially being the engineer for, you know, regular people like Jase said, who didn't hire one. And that is one of I think the big reasons why these things go so slow is we spend a lot of time teaching engineering and ordinances to, you know, common people.

CHAIR BAISA: And then when the people are not happy with what they've heard from Jase or Mr. Taylor or Paul or who, at, you know, the Deputy Director in Water, then guess whose phone rings? Mine. And it rings at work and it rings at home because they want to know what's the story on their meter and why this and why that. So, this is very complicated. I think the point that you're already getting, is this is a very time consuming process and if you don't have enough people involved in being able to handle all of the inquiries and the research, it just doesn't go. Mr. Couch, did you have something you wanted to say?

COUNCILMEMBER COUCH: Yeah. And it, is there a way that we could sub out that work if you will because we can't get engineers, but there are companies that can do that to say, look, just for this purpose and just for this amount of time instead of having them come to you two, have them go to somebody else and we cover the cost. They go to somebody else and they can explain to them what's going on. That way it frees you guys up to actually get your work done. Is that been thought of for as, you know, under professional services?

CHAIR BAISA: Mr. Taylor?

MR. TAYLOR: Mr. Couch, of all the workable solutions, that is the one that floats to the top. If the County could somehow come up with some methodology to pay for the engineering fees for a private applicant and come up with some methodology of, you know, why it's this guy but not this other guy, you know, there's some details to work out, it's not usually our role to...well, first of all, we wouldn't hire them, right. We can't hire an engineer and assign it to a private person. Essentially, we'd have to somehow give a grant to an applicant so they could hire an engineer. If essentially

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there was some pot of money where we said, look, you sign here, we'll reimburse up to \$5,000 of engineering expenses, but you promise that we only hear from your engineer, not from laymen, that would absolutely speed things up. I would fully support something like that. It might be problematic figuring how to use County funds to pay for what other people would use their own funds for, but if that could be worked out, that is I think our big time sink.

COUNCILMEMBER COUCH: And to go along that, that's the more logical approach is the way you're talking about it, but if there's an issue with the County fund things, couldn't we hire a firm under professional services to say if so and so comes in there, you got this pot of...I mean, do an RFP or whatever, you have this pot of money and as it gets closer to the bottom, you know, come talk to us kind of thing?

MR. TAYLOR: Chair Baisa, are these the kind of ideas you want to flesh out while we're going through the process or do you want this after public testimony when we do this? Because I can address it, I'm just not sure when you want me to.

CHAIR BAISA: Okay. You want to do it now, we're here. You know, I find out that it works better if we deal with it while we're talking about it.

MR. TAYLOR: There's two sides to that, the practical side and let's say the legal side.

COUNCILMEMBER COUCH: Correct.

MR. TAYLOR: Okay. The practical side is what Mr. Miyabuchi was talking about earlier saying this isn't the kind of review...it's like what the Planning Department does, say do you meet our rules? It's a system integration review, so it has to be somebody who understands how our system functions. That's a very difficult thing to farm out unless you're farming it out for a very long time where those people know our system as well as we do. So it's very difficult to farm out system integration. It's really the same problem Maui Electric had when people wanted PVs and they had to hire these, they had to do an interconnect analysis. It's not does this thing meet the rules, it's how is it gonna affect the system and the neighbors.

COUNCILMEMBER COUCH: If I might interrupt there. But you did say prior to that is that if somebody, you know, these other companies that have their own engineers and they know what's going on, don't those same engineers know our system or do you still have to talk to the engineers and set them straight as to, that's, you know, that's physics et cetera, but our system does this.

MR. TAYLOR: Exactly. The private sector engineers know generally how things work, but they don't understand our pressure zones and where the best tie-in point is, so essentially if you were an applicant and you hired an engineer, that engineer would know all the rules. They'd come in and talk to Jase. Jase would say, hey, you're not gonna be able to tie in here, you're gonna have to tie in here and put a pressure reducing valve and that engineer is going to go, oh, yeah, I understand. But only Jase

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is gonna know how the system works. That engineer would never know that. But all the other stuff that engineer can know.

COUNCILMEMBER COUCH: But that little thing right there if that takes only, you know, an hour of Jase's time versus ten hours --

MR. TAYLOR: Agreed. Okay. That's...

COUNCILMEMBER COUCH: --that's still worth the...

MR. TAYLOR: Agreed. And that's the practical side.

COUNCILMEMBER COUCH: Okay.

MR. TAYLOR: Okay. Then the legal side. I don't know if the Personnel Services Director and Corp. Counsel have ever come to this body either in this Committee or Budget and Finance and talked about the Kono Decision and the repercussions about it. So basically, the laymen's explanation is, we're not allowed to outsource work that has been historically done by union employees.

COUNCILMEMBER COUCH: Yeah.

MR. TAYLOR: So it has to meet the practical side and that legal side. And that's the...

COUNCILMEMBER COUCH: But the legal side is, this is and we talk about this at budget all the time. This is something that, A, you can't hire anybody because there's nobody applying for the jobs and B, it's a temporary situation. It's not going to happen for the rest of the existence of the County. It's gonna happen for a year or two at the most or maybe three.

CHAIR BAISA: This might be bordering on some legal...

COUNCILMEMBER COUCH: And that's for...

MR. TAYLOR: The internal procedure, there's a form.

CHAIR BAISA: Yeah.

MR. TAYLOR: The DPS Director, there's, HRS has some rules, I'm not the expert at it, but I believe the timeframe is 90 days. I believe that the little box we check saying is this temporary and I believe that it's 90 days that is this bright line, so a couple years is over that line. So in any case, you know, some of this may border on things we should talk about in executive session --

CHAIR BAISA: Right.

MR. TAYLOR: --about where the line is and what we can outsource.

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CHAIR BAISA: Right.

MR. TAYLOR: We're, I just want to say there's some practical issues and some legal issues and if there's something in between, it becomes an option, but there are these civil service laws and decisions that we have to be in compliance with.

COUNCILMEMBER COUCH: Okay.

CHAIR BAISA: So it's a good idea, but it might be more complicated than we know, so we'll put it down in our list of solutions. How's that?

COUNCILMEMBER COUCH: Thank you.

CHAIR BAISA: Okay?

COUNCILMEMBER COUCH: Thank you. Thank you, Chair.

CHAIR BAISA: That's what we're here to listen to today, to get ideas, get solutions and then we'll go dig and see if we can make 'em happen. Okay. Any more questions at this point from the Members? Seeing none, Jase, why don't you continue.

MR. MIYABUCHI: Thank you.

CHAIR BAISA: And, you know, like I said we have a script, but don't worry about it if you have to, you know, wander from it or embellish or do whatever. It's okay.

MR. MIYABUCHI: Thank you.

CHAIR BAISA: We're here to talk.

MR. MIYABUCHI: Thank you. So at some point, meters are either accepted or refused and the letter drafting process begins again for the next applicants on the list. Meter acceptance means either a meter reservation or a meter installation. Throughout the meter offer process, time is not exclusively dedicated to the priority list letters. Daily calls, e-mails, subdivision and building permit reviews, meetings and public walk-ins occur concurrently and cannot be pushed aside just to focus on the list. Further, if water system improvements were required for the meter acceptance, time is also spent on construction plan reviews, construction management, project close-out items and meter issuance. And with that, I've concluded the presentation.

CHAIR BAISA: Jase, can you tell us more or less how long this process takes, average and I know that it can vary a whole lot, but more or less?

MR. MIYABUCHI: Yes. If, let me see, so from beginning from research all the way to the letter issuance, maybe one or two a week, I suppose, if...how many hours?

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MR. TAYLOR: . . .*(inaudible)*. . .

MR. MIYABUCHI: Yeah, about four hours maybe. It depends, again it depends where the property is situated against our water system. Again some are more complex than others because the system may not be as adequate in some areas than others so therefore, more calculations are required, so that takes more time.

CHAIR BAISA: Okay. And approximately, how many do we get done in a month?

MR. MIYABUCHI: Right. So, it usually, again, these usually are sent out in batches, usually about 10 to 20. It does not take a month, usually a few months again because of all the other things that are going on besides the letter crafting, but I guess if you were to average it out, maybe, like five a month maybe if we were to go monthly.

MR. TAYLOR: And, Madam Chair, if I may add?

CHAIR BAISA: Yes.

MR. TAYLOR: In the past Budget Session --

CHAIR BAISA: Yes.

MR. TAYLOR: --the Council put a proviso in the Department of Management's budget saying that some of amount of time of the engineers in that Department shall be spent on the Upcountry meter list. So we've been working with the Department of Management and we are going to, by the end of this month or early next month, going to be start receiving that time. What's nice about that is the person who's going to be doing that used to have Jase's job. He is the single best person on the planet to help with this. He already knows everything. He doesn't need to be trained. He actually trained Jase. He is going to be dedicating roughly 40 to 50 percent of his total time on this, so within a month or so, that's going to start. So that is going to help substantially, so regardless of any action that's taken or not, we are going to more than double our man-hours on this item in about a month.

CHAIR BAISA: And the total number of people on the list right now is how much? How many?

MR. MIYABUCHI: Almost 1,900, high 1,800s. Total amount of properties.

CHAIR BAISA: About 1,900?

MR. MIYABUCHI: Total amount of properties, yes.

CHAIR BAISA: Okay. Chair White?

COUNCILMEMBER WHITE: Yeah, that's not the number of meters that are being potentially requested.

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CHAIR BAISA: No, that's the number of people on the list.

COUNCILMEMBER WHITE: Just the number of applicants. Yeah, just to clarify.

COUNCILMEMBER COCHRAN: Chair?

CHAIR BAISA: Yes, Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you. So just trying to, yeah, get this straight from the beginning. So, April 2014 is when I guess the original list started, right, it was created, so that's over two years ago.

CHAIR BAISA: No, much before that.

COUNCILMEMBER COCHRAN: Oh, okay.

MR. MIYABUCHI: That was the when the first letter was sent out, the most recent letter was sent out.

COUNCILMEMBER COCHRAN: Okay, so, the first letter and then you started getting responses back or no response, whatever, so you started to sift through that list at that point which is over two-plus years ago, so from there you went back through your replies and then you resent out additional letters, right? In the past two-and-a-half years or whatever, didn't you go back to these original from that 2014 list to say, hey, you still on board or what, you know, trying to get a gist of where people are at? So I'm just trying to whittle down that original list to where it is today. Because I mean, yes, you see people here in this gallery who have been on it beyond that and hopefully, you know, not a whole lot longer, but and then you're saying you have 1,900. I mean, the list just keeps going and things and I'm getting the phone calls, too, just as I'm sure we all are that where am I? What happened? What? And yet, you're saying you're reaching out, you're redrafting letters, you're...and some people are saying, I'm hearing, they're like they're lost. They don't get it. They don't understand. Where are they? And I hope we get an answer today.

CHAIR BAISA: Ms. Cochran, this is the reason why we're having this meeting today is 'cause we all get those inquiries and I'm sure you get them, I know everybody gets them, and the frustration of now you said we have water, we can get a meter, why haven't I gotten a letter, how many are you doing, why do you take so long? And so that was the idea today was to explain the situation in the Water Department and what's going on with issuing these meters. And what I'm hearing from the staff and you know, is that there's an awful lot of work to do and there seems to be up until now, one person who's really responsible for this. You know, Jase not only deals with the water meter list. He has all these other things that he has to do and they're in his presentation, a list of other things that he's doing. He's gotta deal with calls, e-mails, subdivision and building permit reviews that are not on the Upcountry list, meetings and walk-ins and these people that want to meet with them because they want explanations. So it

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seems to me that either we're going to figure out how to give them more help or we're going to not be able to get through this very soon. It's scary. I think he said five a month.

COUNCILMEMBER COCHRAN: Right. And so, Chair...

CHAIR BAISA: Five times 12 is 60, 60 into 1,900 it's many, many, many years.

COUNCILMEMBER COCHRAN: Right. And...

CHAIR BAISA: So I think it's incumbent upon us as the people that provide the resources to try and figure out how can we help them with this and that's what I'm trying to do.

COUNCILMEMBER COCHRAN: Right. And thank you, Chair, and I think that's during the budget process if that was brought up in particular, and I think Mr. Couch brings up a good point, outsourcing what have you because we need to do all that back work, too. What we do here on this floor, yeah, we address every single thing they're saying they gotta address, Jase has to address, we do it in our own offices. It's not holding us up from continuing our work, so, you know, and I just think this is a huge priority as you know and there needs to be a dedicated staff to it if that's what is needed, so.

CHAIR BAISA: Right. Well, you know, we kinda talked about it during the budget process and that's why we have this help that's coming from upstairs. But I don't see that as a solution because I don't think there's gonna be enough. If you're gonna have one and a half persons dealing with this, all it does is double what we're doing. So, I'm really worried that we kinda find a way to move this issue and I think that's why we need to talk about it. We need to talk with Administration, Mr. Taylor, who knows what needs to be done and we need to talk to our budget people and figure out what can we do to get rid of this mess. I feel frustrated. I've been here almost ten years. I lived this water meter thing. I'm on that list. I'm in the 700-something, I think it's 769 or something like that and I'm gonna be dead before we get a meter 'cause I'm not gonna live that long. I doubt it. So this is why I think we need to sit here and really hash this out. What do they need? How can we help them? Mr. Taylor, if you could solve this problem, what do you want? What do you need? Tell us.

MR. TAYLOR: Madam Chair --

CHAIR BAISA: You're the man who should know.

MR. TAYLOR: --there's a couple different problems and I think people are melding them together.

CHAIR BAISA: Okay.

MR. TAYLOR: The problem I think on the agenda today is the speed we're moving through the list. The speed we're moving through the list will be solved by engineering hours on it, whether it's us hiring more people or, you know, paying for applicants to hire

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their own engineers. More engineering man-hours will speed up our processing. As far as this other issue of 1,800 names on the list, when we came in 5 years ago, there were I think around 1,200 names on the list. Now some of these names are asking for many, many meters.

CHAIR BAISA: Right.

MR. TAYLOR: I think one of them is asking for, you know, it's a 100-lot subdivision or something like that.

CHAIR BAISA: Yeah.

MR. TAYLOR: So, the, if everybody on the list, all 1,800 get their meters, essentially it equates to, I looked at it before, something like a 60 percent increase of growth Upcountry which is way beyond what the existing piping system can handle. So even if we magically had a huge well that generated, you know, 20 million gallons a day at point A, a lot of these people are gonna get a letter saying, you know, dear applicant, you're come up on the list, you need to put in, you know, seven miles of pipeline and you can have your meter. And of course they're gonna say, no. What we're gonna see as we get more and more into this is as the early people who are saying, yes, are taking up the capacity, somebody on their same street who gets offered a meter a year later, the line now may be too small for them, so they're gonna say, no. So as we go through, you're gonna see a smaller percentage of people being able to say yes because the piping systems are going to be, you know, at their capacity. And you'll see the people saying yes where there is large pipes and the people where there's small pipes still saying no. So processing through the list is not necessarily going to get people meters. It will process through the list. So there's the available source or reliable capacity, that's what we're handling with CIP. That's problem one that we're, I think we have a good handle on. Problem two is processing through the list, which is what we're talking about today, but problem three is still that the pipes are so small Upcountry and because County ordinance still puts that pipe upsizing on the back of the applicant, that a lot of people are going to say no. So when you ask what, how would I solve it, what we're trying to do is we're trying to solve the actual reliable capacity through our CIP program. We can speed up the processing by getting more man-hours somehow to help Jase somehow, but none of these are going to solve the problem of the people who are geographically disproximate from a point of adequacy, which there is no one's really talking about a solution and like, as we've said before, that's a several hundred million dollar solution, which is nowhere in our radar of being able to solve. So we can solve some of these problems, but the reality is I don't see how realistically 1,800 people, 1,800 applicants on the list are gonna get everything they want in some reasonable timeframe and we're gonna sort of double the population Upcountry, we're gonna upsize, you know, 100 miles of pipeline. So, I think there's 3 distinct problems and they all interrelate, but they are 3 distinct problems.

CHAIR BAISA: Members, comments? Mr. Couch and then Ms. Cochran.



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COUNCILMEMBER COUCH: Thank you, Madam Chair.

CHAIR BAISA: We're gonna do this a little while and then we're gonna go into testimony at 10:00, at no later than 10:00. Okay?

COUNCILMEMBER COUCH: Okay. That's kind of sobering. Was any of this taken into account when we did the population growth estimates in the Maui Island Plan?

MR. TAYLOR: My understanding is the Maui Island Plan did not take any of this into account. It was done on, you know, I'm sure you know better than I on socioeconomic growth projections --

CHAIR BAISA: Yes.

MR. TAYLOR: --but it didn't take into account and I don't think there's anything in the Maui Island Plan that actually mentions the meter list. We mapped the urban growth boundaries versus the meter list applications and they don't match. So, I don't want to get into the policy issue of it. We have been told there's a policy from the Council and from the Mayor to try to expedite getting people off the Upcountry meter list. But it is not a literal implementation of the Maui Island Plan policy and I know I've mentioned that before.

CHAIR BAISA: Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you, Chair. And as for infrastructures, I heard that one part stating infrastructure inadequacy, I guess of sorts where people, you know, if you want it, you gotta pay X amount of dollars and it's just too cost prohibitive. So wondering if you've looked at certain areas that wouldn't be so, wouldn't be \$200 million, it would be feasible, reasonable as we go through each budget cycle, you're gonna add this extra, you know, piping to address these numbers of meters and then just add as we go kind of thing? I don't know, something like that so at least you will be tackling people along the way, you know, and getting them up on the, online. So has that been looked into?

CHAIR BAISA: Ms. Cochran, before Director Taylor, I want to come in here because we've talked about this at length with Mr. Taylor and I have asked him, you know, how do we deal with this? And he has said and he's talked with us, he has come here with capital improvement projections of what he needed to do, I think, was like up to \$300 million and he needed at least 30 million a year commitment in order to implement that and we have a difficult time as a Council in committing money for, if he said I need 300 million, so I need, you know, 30 million for 10 years, we cannot do that because we cannot commit the Councils that are coming after us. And so he finds himself in a really tough situation and maybe that has changed since he and I talked, so, Mr. Taylor?

MR. TAYLOR: Thank you. And I appreciate this meeting because I can go back and tie in some things over the past several years that the Council's been supportive of to show

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how they, they're starting to link together. One of the things we did a few years ago when we had our Upcountry solution plan was we had recognized that the ordinance itself, the meter list ordinance was part of the problem. It says you have to take No. 1, then No. 2, then No. 3 even though No. 3 is on the same street as No. 76 is on the same street as No. 234. And that itself is a problem for infrastructure because the people can't get together, which is why we asked Council to change the law ending the ability to sign up for the list which Council agreed with to say, look, let's put an end date to sign up on the list. And that's when the list bumped from 1,200 to 1,800 'cause everybody, you know, rushed in. What we want to do is get to the end of the list so that the new rules that we'll write at some time later when we get to the end of the list would allow us to take, to have people group together so we can recognize, you know, here's a street where there's 7 people that can be helped by this 200 feet of line, now we can emphasize that. Right now there's no way to do that because the law says we have to take 1, then 2, then 3, so there is no way to put the critical masses together. And that was sort of baked into the cake when the law was passed in, you know, or the board passed the rule in 1993 saying you have to take 1, then 2, then 3. There's no way to officially do the infrastructure, which is why we want to get to the end of this thing. Even if a lot of people are saying no, once it's gone, we can start putting groups together who can have that critical mass. That is I think just ending the ability to sign up saying that, let's get to the end of this some time, the sooner the better so we can start doing it in a way that allows us to do exactly what you're saying. But that's also not going to be soon.

COUNCILMEMBER COCHRAN: Right. I mean but there's certain areas that are capped out, I mean, there's only so many lots already built on it, that's a dead-end road or whatever, I mean, it seems to me like you could go and figure out places and to just say, open ended, let's just wait 'til everyone in this entire world stops applying, and then we're gonna look at it? To me, it just doesn't make sense either.

MR. TAYLOR: There are so many places like that and I guarantee everybody in the audience who's on the list has a reason why their street should be, you know, first and if there were some criteria, I'd be more than happy to start. Even if it was \$1 million a year, it would be very difficult for us to say, this should be first. Because like I said, there is going to be probably hundreds of millions of dollars of this and if we, if there was some direction about how much to spend a year and who's first, you know, I wouldn't be against doing that.

COUNCILMEMBER COCHRAN: And, yeah, I understand. But it's like looking at the R-1 recycling upgrade in West Maui. We're not gonna start upgrading over in Napili before we start upgrading in Honokowai. You know what I mean? So you're gonna start from common sense areas where the source is to shoot it out to where it's needed first and then build from that and then build from that. So that's...

MR. TAYLOR: The only difference I would point out is in the R-1 expansion, the County is allowed to say, this area over here has the most need. No one's on a list. Right now, No. 1 on the list might be in Ulupalakua. So are we supposed to put the line in that helps No. 73? That's the difficulty, the list, saying 1, 2, 3 is not necessarily

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geographically linked to where the greatest need is and that creates the dilemma of what should we do first. If there was some direction on that, I would be more than happy to implement a Upcountry pipe upsize program if there were some criteria about what should be first.

COUNCILMEMBER COCHRAN: Okay. And we can talk further about that, Chair, but my final question for now, in regards to Waikamoi because it's been completed and so thereby what, well, how does that affected this list? Have you been able to disburse some? What's happened?

MR. TAYLOR: As I noticed, when I noted when I talked about those three distinct problems, the first is reliable capacity, the second is getting through the list, the third is pipe sizing. Waikamoi, just like the H'Poko Wells, just like the high-lift pumps and a number of other projects we've done Upcountry all help solve that first problem, so we have more water. We also have a CIP program that is gonna last beyond this Administration. We have projects we're working on that we will not finish, that the next Mayor will be in place. But we're already working on projects that will enable there to be at least enough water to keep meter list issuance going beyond this Administration's time. We're not looking at this saying, oh, you know, we're not only, you know, we're gonna solve what we can, the next guys have to start from scratch. So Waikamoi is part of that part A, which is to keep an effort going to increase reliable capacity so as we keep moving through the list, you know, we don't run out of capacity and we, there's always another project that we're working on. So Waikamoi is part of that.

COUNCILMEMBER COCHRAN: Okay.

CHAIR BAISA: I tell you, this water thing is not an easy thing to solve, but I think it is about time that we sit here and have good open, frank communication about what the problem is and what can we do. But that's the only way we're gonna solve it is, you know, our community has to decide what we want and how much we're willing to pay for and give the Department directions and we can do that. And I'm really excited that we are sitting here today doing this. Any more questions, burning questions before we get to testimony? Mr. White?

COUNCILMEMBER WHITE: Thank you, Chair. I'd like to have a discussion in, I guess, in executive session, to see if there is a way or see what we expose ourselves to if we were to change the ordinance to allow the Department to consolidate members on, you know, people on the list that are in the same area because it seems to me that there's just no way we're gonna get through this at the rate that we're going now. Another question I had for you was with the change or with the H'Poko Wells coming online and the, and Waikamoi being fixed, to what degree has that changed our reliable capacity and how does that translate into additional meters that will, that we will be able to offer at some point compared to where we were in the beginning?

CHAIR BAISA: Mr. Taylor?

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MR. TAYLOR: I don't have an exact number. One of the reasons is that ever since we completed Waikamoi, the weather has been unpredictably wet.

CHAIR BAISA: Yes.

MR. TAYLOR: We just haven't had a dry time --

CHAIR BAISA: Yeah.

MR. TAYLOR: --so we don't really know how big an improvement Waikamoi Flume has been because we haven't had a dry time. I mean, reservoirs are just full and it's August, so we know it's something. We...because the H'Poko Wells are firm capacity, that was easy to calculate and that's going to translate to roughly, let's call it roughly 500 5/8-inch meters. You know, that's probably about what H-Poko does, but between that, the different plant improvements we've done, the high-lift pumps, Waikamoi so we can juggle water better, probably, you know, substantially more than that. So I'd say, you know, upwards of 500, maybe as low as 6, maybe as high as 7 or 8, something like that. So a substantial number of 5/8-inch meters or equivalent, you know, especially as we've processed what, maybe not even 100 meters since that time, right, 120. So we have, right so we have hundreds more meter, hundreds and hundreds more meters to offer before, even if the projects we're working on never come to fruition, we have hundreds and hundreds of more meters we'll be offering with our current reliable capacity and hopefully by the time we get there, those projects will be online and they'll be hundreds and hundreds more. That is what we're working on, although, you know, this Administration won't see the end of that. We're hoping that, you know, I would like to hope that in 10 years when they look back at least 1,000 meters were given. I think that would be looked at as pretty successful. I don't know if we're gonna start running into piping limitations before that, but I think we can definitely have enough water for at least 1,000 extra meters from the time we came in.

COUNCILMEMBER WHITE: And the other question is we made it easier for two-lot subdivisions to access water meters. How many applicants have you received or applications have you been able to process for those two-lot subdivision applicants?

MR. MIYABUCHI: Right. So I spoke about the Ordinance 4255 which allowed us to make reoffers to prior applicants who refused or just didn't answer us as far as the first time go, first go around, so in total it was about 45 properties or so. So currently those sit at the top of the original list and a few months ago we had sent out 1 batch, maybe about 18 properties or so. From their responses, we only got back about little over 10 percent of responses in the affirmative. The thing about the ordinance, it's good in the fact that I mean for applicants because it exempts fire protection requirements like I was speaking about but it does not exempt domestic requirements. In other words, if there's a smaller pipe running across, fronting someone's property and then you need a meter or meters, again that pipe may not be adequately sized for domestic purposes, domestic flow, domestic residual pressures that we need in order to allow them to have that meter at that location. So that's why, you know, these, they were still

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saddled with, you know, infrastructure improvements just based on domestic requirements alone.

COUNCILMEMBER WHITE: Yeah. And the last question I have is we, we've set aside I think \$6.4 million in the Upcountry Water Meter Fund and to my knowledge, there was no request to use any of that money in this last budget go round. Do you have any plans to use a portion or all of that fund at this point?

MR. TAYLOR: Yes. The two projects, the two big projects that are heading for, heading into design to eventual construction are a second well to Pookela site that'll, through a redundancy upgrading increase reliable capacity by around another half million gallons and the change in disinfection, that'll allow us to use the Kahakapao 130-million-gallon reservoir to save that water for when we need it to balance the peaks and valleys and also improve reliable capacity by equivalent to, you know, couple hundred meters probably. The combined construction cost of those two projects would certainly spend all of that money. So we, whether or not we'll use that source or we'll use SRF loans for those, we absolutely in the next couple years, we'll be spending more than \$6 million on construction that would fit that category. So that money could either be used directly for those and not float SRF loans or that money could be used to pay the Debt Service for the lifetime of those SRF loans or for GO Bond or et cetera, et cetera, but we definitely have more than \$6 million of upcoming construction for that purpose in the next couple of years.

COUNCILMEMBER WHITE: Okay. Thank you. Thank you, Chair.

CHAIR BAISA: Thank you, Chair. And I will make note of the possible executive session. I have also brought that issue up and I'm glad that you're asking to so I'll try to schedule that when I can get the people together. Okay, Members, anymore? Otherwise, without objection, I'd like to do testimony.

COUNCILMEMBERS: No objections.

CHAIR BAISA: No objection. Let me just do a couple of announcements here about testimony. I think most everybody that's in the audience has been here before, but just in case, testimony will be limited to three minutes and upon request, up to one minute to conclude. At three minutes, light will turn yellow and at four minutes, the light will blink red. If you are still talking at the four-minute mark, I will kindly ask you to stop. When testifying, please state your name and who you are representing if you represent a group. We've established a connection to the District Offices. To be fair, we will rotate through each of the sites. I will ask Ms. Willenbrink, are you okay to do this? Okay. Ms. Willenbrink is fighting a respiratory infection and so we're both of us trying not to cough so we taking turns. Go ahead, Kim.

**...BEGIN PUBLIC TESTIMONY...**

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MS. WILLENBRINK: Thank you, Madam Chair. Hana Office, do you have anyone wishing to testify?

MS. LONO: Good morning. This is Dawn Lono at the Hana Office and there is no one waiting to testify.

MS. WILLENBRINK: Thank you, Dawn. Lanai Office, is there anyone wishing to testify?

MS. FERNANDEZ: There is no one waiting to testify at the Lanai Office.

MS. WILLENBRINK: Thank you, Denise. And, Molokai Office, is there anyone wishing to testify?

MS. ALCON: There is no one here on Molokai waiting to testify.

MS. WILLENBRINK: Thank you, Ella. We will check in with you one more time. Madam Chair, in the Chamber, the first person signed up to testify is Dick Mayer and he will be followed by Rosemary Robbins.

CHAIR BAISA: If you are off some place and are gonna testify, we'd really appreciate it if when you're notified that you'll be the next testifier if you could move over close to the podium here so we'll save some time. Good morning.

MR. MAYER: Good morning, Chair Baisa, Members. Very good that you had the discussion before. I think it makes our testimony a lot easier and more relevant. I think and I was very pleased to hear the discussion because there were three separate areas, three separate issues that I could see that are problems. One is, what is the water supply? Is there enough capacity in the system? No. 2, can the Water Department in its Engineering Section process things? And that seems to be slowing things down even if capacity were available. And thirdly is the question of infrastructure, are the pipes big enough? Is the system able to deliver the water? Those are three separate things and each one of them probably needs attention and hopefully solutions. Some of them may already, so we may have enough water capacity but the Department can't handle it or the pipes can't handle it. The second thing is, the question was raised, does the Maui Island Plan state anything about this and in a very indirect way, but in a very relevant way, it did issue it. And that was the use of urban, rural and small town growth boundaries. Those boundaries were exact acknowledgment that we cannot supply remote-remote areas with infrastructure as easily and as cost effectively. And that's why I would hope that the Department will take a look at the water meter list and see which of those water meters, for example, there are some large subdivisions on that list that are outside any of the boundary lines and it will be very expensive to bring water to those areas. And that was a statement by, a policy by this Council when it put those boundaries in, said what we want to do is minimize the cost for the County, therefore, I'm gonna ask that when you take a look at the water meter fees, that right now there is a certain fee, and that didn't even come up today, what is that fee? Could we help pay for some of that infrastructure through the use of water meter fees? The differential be made that water meters that, if you feel compelled to give

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water meters outside the urban and rural growth boundaries that perhaps a 50 percent or 100 percent increase in that water meter fee be assessed for areas that are outside of the boundaries that you as a Council set in the Maui Island Plan. I think that would at least get money into the system maybe to hire more engineers, to outsource the engineering and to also perhaps put in the infrastructure that's needed to get the pipe systems operating in those areas. I would like to know, you know, we keep talking about how many people are still on the water meter list, the number that didn't come up was how many people have already been offered water meters since the beginning of the establishment of this list? That's I think something that the public should know about. You have all the pressure on you, Councilmembers, to people who say I'm still on the water meter list, it might be helpful to be able to say we have 400 people or 600 people or 300 because many of the people on the first part of that list were subdivisions and there may be a lot of meters already out there. Or at least people were offered meters. I'd like the extra minute, please?

CHAIR BAISA: Sure, go ahead.

MR. MAYER: And another thing is we have a lot of subdivisions on the list and I think it would be very helpful if the Department at least for the next 200, 300, 400, 500 applicants find out how many meters those subdivisions are asking for so we have an accurate number. The Department may know, but that will tell people further down the list that, you know, until the next 600 meters given out, many of those in clusters on subdivisions, you know, you may not get the water. It'll make, give it a more realistic number rather than talk about the number of applications. I think it would be better to have the number of actual meters being requested. Thank you very much.

CHAIR BAISA: Thank you very much, Mr. Mayer. Members, any need to clarify the testimony? Seeing none, thank you.

MR. MAYER: Yeah. I just want to, I hope you do look at the Maui Island Plan and those growth boundaries. I think it's very relevant to these issues. Thank you.

CHAIR BAISA: We will. Thank you. Ms. Willenbrink?

MS. WILLENBRINK: Our next testifier is Rosemary Robbins and she will be followed by Annette Niles.

CHAIR BAISA: Good morning.

MS. ROBBINS: Good morning, everybody. Rosemary Robbins, concerned citizen. Living Upcountry, my phone rings a lot, too, what's the deal with the meters and so with great compassion do I listen to those folks and say that I don't have an answer for your particular meter. I refer them to the people who are dealing with this. I was sorry to see that representative Victorino wasn't here today because he's worked on water for so long, so I hope he's okay. But I'm looking at an even bigger picture on this, and thank you by the way for this being made available to those of us in the peanut gallery too, that's very helpful. Thank you. All of what we've talked about

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today has been within a closed system as though there's no room for growth with the system and I find that very scary. We talked about engineers. I'm not an engineer, most of us are not, but when we talk about having people always from within the ranks, part of that is so valuable because they've lived through it. That shouldn't be the limit. We need to go beyond that, too. So please don't think just dealing with the folks who are on the water meter list right now, because there is a bigger picture on that. As an educator, I'm well aware that STEM education, science, technology, engineering and math, it's been around for some time. Where we are dealing with people who will be able to come in and shadow folks who are dealing in the engineering end of those things right now. I'm not hearing anything about that happening, it's a wonderful technique, does exist. The other thing is that folks who are dealing as engineers and that's been brought up at this microphone before repeatedly, in the County Charter where it talks about the engineers involved in the Water Department, it says that there will be a Director and a Deputy Director and one of them has to have an engineering degree. There are so many varieties of engineering degrees. A quick hit on a computer will be able to tell us the kinds of higher education institutions that have majors in the more extensive engineering, for example, water, that exists also. Why are we not looking there? If we only confine ourselves to what we have now and how did we get here, we have to acknowledge that we are paying a fortune for engineers who either by way of omission or commission didn't get the job done and now we're paying attorneys who aren't aquatic engineering field people either. Something's terribly wrong with that that we keep just closing in. So I'm giving credit for the fact that those opportunities do exist. Tearfully, you and I have both lost friends Upcountry who have run out of life spans and you and I are the same age, and it's going to happen to us, too. So we have to admit that there is room for improvement and we need to give that as much attention because it's going to be an escalating evolving reality that we haven't had here yet with people who have expertise in water. So thank you for, thank you very much for that and we need to make sure that we take a look at including the...

MS. WILLENBRINK: Four minutes.

MS. ROBBINS: Okay. Just to close on that sentence.

CHAIR BAISA: Yes, please.

MS. ROBBINS: That we have to be aware of the wellbeing, we're talking all about engineering and math, we're not talking about the wellbeing of our citizens and our visitors. Something's wrong with the lack of that mission statement focus so we need to get that one in, too. Thank you.

CHAIR BAISA: Thank you very much. Members, any need to clarify? Seeing none, thank you.

MS. ROBBINS: You're welcome.

MS. WILLENBRINK: Our next testifier is Annette Niles and she will be followed by Tom Croly.



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CHAIR BAISA: Good morning.

MS. NILES: Good morning, Chair. Hi. Good morning, Council. My name is Annette Niles, rancher, farmer and I live in Kula. And I'm here today to testify on behalf of this water meter priority list, this so-called priority list. Okay. My P point with this is that a lot of people now, I would like to get the count of how many local people got their water meters versus how many people that flew in and got their water meters. And you know what, I don't want to hear that oh, we didn't give these people water meters because I have the proof. And I'd like to sit down with this Council and I'd like to show 'em. From 1989, I have that list. We have people 30 years trying to get their families with subdivisions in Kula, I mean, not big subdivisions, this is just families, trying to give families their water meters and you guys go ahead and give the people that come from the mainland this water meters. And don't tell me no, because I got the proof on it, you know. We're sick and fricking tired of it, okay, tired, very, very tired. Because there is two water meter lists, one for the rich and one for the poor. And it's not that we want to get our water meters ahead. I want to see the people that's 30 years on this list. I'm way low on the list, but you know what, I want to see the people give their families that have been on this list for 30 years. Mr. Taylor, answer. Come on. Answer them.

CHAIR BAISA: Annette, he can't do that right now, but you can tell us what you want to say.

MS. NILES: No, but I'm fricking pissed off about it. I am really pissed off about it because these families need their...you guys talk about helping the, trying to fill this homeless problem, trying to give people housing. How are you gonna do that when they block it? When these people do want to give their families their water, get water meters for their family so they be off the street. They gotta crowd up in one house. People go to try and get a loan for their house, people are there trying to look in the house and say, oh, we gotta check your garage or we gotta check your building see if you have somebody living there. So what the hell's the big deal if they are living there? They trying to help their families, you know. And I like, Councilman Couch, I love that idea. Please bring somebody separate in. Take care the engineering department, please, because then maybe things would really, really run straight. That's all I got to say.

CHAIR BAISA: Thank you. And I certainly understand your passion. Members, any need to clarify the testimony? I think it's very clear. We know where you're coming from. I understand. Thank you.

MS. NILES: Okay. Thank you.

CHAIR BAISA: Ms. Willenbrink?

MS. WILLENBRINK: Our next testifier is Tom Croly, to be followed by Bobbie Patnode.

CHAIR BAISA: Good morning.

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MR. CROLY: Aloha, Chair. Aloha, Councilmembers. You have quite a conundrum and it's good that you're airing this in this public forum. I'm good with numbers. Based on what you just said, you have a 33-year waiting list. Okay. So, obviously, that's not something that's tenable and we need a different answer. I like problems to solve and this is one of those problems to solve. I'm not an engineer so I don't have the solutions for you, but clearly one engineer working on this at his most diligent is not going to get you there. One idea that I put forward and of course you have legal issues, but when we go down the list and we find No. 5 and we say No. 5 is going to need to put in a 2-inch waterline to make it work and we recognize that he probably doesn't have the resources to do that, is it possible to look down the list and say, No. 5, go hui up with No. 162 and No. 2,500 and No. 25,000 and maybe between all of you, you can meet this requirement. Okay. Doesn't mean that number, the guy at the end of the list gets his meter ahead of anybody else, but if he understands that if he hui up with the other guy and we get these improvements done, then when it comes his turn, he'll get it. Okay. So just, you know, one idea. As Mr. Taylor was talking and he talked about Maui Electric and the capacity issues on the solar, it occurred to me, yeah, you have these regional issues and that's how they dealt with it. They said, this particular circuit is over saturated so you have to get a study if you're on this circuit. This particular circuit's okay, so can we identify those types of circuits and figure out what the needs are there. We can address this a bite at a time, but we can't address it the way that it was just laid out, that this is how we're going about it sequentially. That's just not gonna work. A couple other questions and I don't expect answers, but when the engineers do their calculations, are they considering ag use and domestic use or just domestic use? And if we put in an ag line, a recycle waterline as, is that going to free up capacity in the lines for people? For example, somebody gets a water meter, 5/8-inch water meter and they just built a house and it's just their family living there and they're not doing any ag use whatsoever, they're going to use a fairly small amount of water. That same 2-acre lot may start irrigating a whole lot and may use 10 times or 100 times the capacity of someone, so obviously, that's difficult for the Department to predict. Can we put some limitations on the amount of water someone's allowed to use? Is that a solution that could help the Department here? I would make one suggestion. This is a great meeting and there's a few people here and a few people are watching on *Akaku*, but it might be very worthwhile for the Department to put together a little presentation that's shown continuously on *Akaku* to make people aware of this, you know, of what the process is and address the questions that are often asked of the Director and of the engineers and so forth, just kind of those FAQs so that the public, those guys without an engineer can watch that program, maybe even be directed to that program by folks when they first inquire so they can be brought up to speed. I learned a lot today. I'm sure there's more that could be learned, you know, about the details of this, but clearly, you've identified a very fundamental problem that needs to be addressed.

MS. WILLENBRINK: Four minutes.

MR. CROLY: And there you go. So thank you.

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CHAIR BAISA: Thank you very much. Members, any need to clarify the testimony? Seeing none, thank you very much, Mr. Croly. Ms. Willenbrink?

MS. WILLENBRINK: Yes. Our next testifier is Bobbie Patnode and she will be followed by William Jacintho.

CHAIR BAISA: Good morning.

MS. PATNODE: Good morning and my name is Bobbie Patnode. I'm speaking for myself today. And I first want to say thank you to Chair Baisa for having this meeting today. And I also want to thank the Councilmembers for your comments so far. I believe you are really trying to represent those of us who are waiting for a meter. You know I did the same math that Tom did and it's going to be 32-33 years before we get to the end of the list, so it's obviously a problem for all of us. I don't even know what number I am. It used to be 864. I think at one point, my husband calculated it would be 18 years before we got our meter. And my meter originally was intended so that I could bring my mother who just turned 90 over to the island and she will not be alive in 18 years. So, that isn't going to work. I do have a couple sons who are already working the land and hopefully in 32 years we'll have meters for them. I have a couple questions, too. And I also want to say thanks very much to the Department for being here and being so willing to talk about it and answer our questions. You said there was going to be an additional person coming to help who would be able to give 40 to 50 percent of his time and what I'm wondering is, could we use that time to train other people so that you have a bigger staff who understands what's going on rather than just dedicating that individual? And then I also have another question. Recently, the Department issued a notice that you could purchase additional fixture count for your meter. So if you have a 5/8-meter, you can buy up to 8 additional fixture counts at I think it was a cost of like \$389 per count and I'm wondering if that has had any impact on what's happening with the list or how the list is processed? And I just mentioned also at the Kula Community Association Board meeting last night, we decided we would ask the Department to come Upcountry and do an information session for people so they have more information about how that option could help them and also what's happening with the list, just as Jase did today. And then my last question is, you know, to me as a person sitting there up on Crater Road waiting for my meter, to me it feels like the whole problem we have is the list. The list is the problem and I know it's a law, but that's what this Council is here for is to fix the laws if they're not working. So, could we please entertain the idea that we change the law so that the infrastructure gets built in a planful way instead of going according to the list because I think that's what's really causing this whole problem. That's all I have. Thank you very much.

CHAIR BAISA: Thank you very much. And that's the issue that we're talking about, having an executive session if one is required. We'll consult with legal about the idea of what can we do with this list. Members, any other need to clarify? Seeing none, thank you. Ms. Willenbrink?

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MS. WILLENBRINK: Yes, Madam Chair. Our next testifier is William Jacintho and the final person signed up in the Chamber to testify is Mr. Ryan Churchill.

CHAIR BAISA: Okay. Good morning.

MR. JACINTHO: Good morning, Chair Baisa.

CHAIR BAISA: Took you away from your cows again.

MR. JACINTHO: Yeah. Good morning, Chair Baisa and Councilmembers. First of all, thank you for having this informational meeting. I learned a lot today and hopefully some changes can, you know, come of it. I'll make some statements. I didn't prepare anything, I'm just representing myself here today because we didn't talk about this with the association. But anyhow, original TMKs, a lot of 'em don't have water meters. I think that's an issue and people have been waiting since they've owned their properties and they can, they don't have water. You have to haul water to it if you want to raise cattle or have the animals go from paddock to paddock. For me, as a rancher, as that happens and as lots get sold in between, it kinda breaks the cycle of being able to rotate animals, so you end up trucking animals and trucking water which brings up a question. Where do you draw from legally if you're not allowed to take water from one TMK to another TMK, whether be by truck or be by water hose or be, you know, whatever? So that's an issue. There's been cases where owner's names have come up and the County has required infrastructure. They may not be able to do it in the position. Other people buy properties in the same area. They don't, I don't know where they are on the list, but apparently they don't need to put in infrastructure and the County hooks them up. So, what's good for the goose is not always good for the gander. So there's some stuff there that I don't want to go into. What I would recommend or suggest is first priority would be for original TMKs without water get water meters. Like I say, I utilize some of 'em. There's been times where the County even taxed the owners \$6,000 taxes for properties that they felt maybe weren't occupied by animals grazing. And sometimes water is an issue. Sometimes abundant rain is an issue and you not able to make it around, but you know, how can you tax a property that high that doesn't even have a meter? I think family subdivisions should have high priority over money-making subdivisions. I think this will help the affordable housing issue and it'll help families, you know, get on their feet. I guess the list is in order of application and I'm not sure, you know, however that is, but it seems like some of the order doesn't come up in line. I don't have an answer for that. I had a question on the executive session, this being a public utility, water issue, why does executive session have to come into play? But anyway, that's all I have to say right now. Thank you.

CHAIR BAISA: Thank you very much, William, and the executive session, of course, will only be allowed if there are matters that we need to consult with our attorneys that are covered by the ability for us to do an executive session. If it can be done in open session, we have no problem. But you know, we have these legal concerns we have to pay attention to because we don't want to be sued and cost our taxpayers money.

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MR. JACINTHO: That makes sense.

CHAIR BAISA: Yeah. We'll be sure that if it's --

MR. JACINTHO: Thank you.

CHAIR BAISA: --something we can do in open session, we will. And thank you very much for coming today. Members --

MR. JACINTHO: Thank you.

CHAIR BAISA: --any need to clarify his testimony? Thank you. Ms. Willenbrink?

MS. WILLENBRINK: Madam Chair, the final person in the Chamber signed up to testify is Ryan Churchill.

CHAIR BAISA: Good morning. Long time no see.

MR. CHURCHILL: Good morning, Chair, Members of the Water Resources Committee. My name is Ryan Churchill here speaking on behalf of myself. I'm No. 642 on the water meter list, up 100 spots in the last 3 years which is a significant increase from the 3 years prior to that, so I do thank the Department of Water services for increasing the pace they're issuing meters. However, based on this pace, I've got 19 years to go to get there, so I just wanted to add a few comments based on the discussion today. As Mr. Taylor pointed out, there's three issues. One, being reliable capacity; two, being adequate or inadequate infrastructure; and three, being the processing of the Upcountry water meter list. Now the first two, reliable capacity and inadequate infrastructure are issues not specific to just Upcountry. These are issues that impact every district on the island, whether you're in South Maui, Central Maui, which is the Central Maui water system, West Maui, you've got those same issues. If you come in for a meter or a subdivision, you're gonna have the same thing, hey, is there enough water for this applicant, do you have the right size pipe and those sorts of things. So that's not really an Upcountry issue. I think as pointed out earlier, the list is the problem. And as Mr. Taylor pointed out, he wants to get through that list and get through it as quick as possible so he can get back to looking at those other two issues, reliable capacity and infrastructure and working on those to deliver water to the consumers out there on Maui. And so the question I think is why we're here today is how to address that list. And just one comment I wanted to add on that is for your executive session discussion, I don't know how the Department of Public Works does it, but Public Works being short-staffed with engineers and the technical side at certain levels, does outsource construction plan review. So if a developer comes in, submits their construction plans for a subdivision, has the drainage, other improvements in there, that's all going to a consultant in Honolulu under I believe a professional services agreement that they manage and process. They gather the comments back from that consultant and then pass that on to the applicant. So just something to take a look at, how they do that and how they process that. Thank you.

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CHAIR BAISA: Thank you very much. Members, any need to clarify the testimony? Seeing none, thank you very much. Ms. Willenbrink?

MS. WILLENBRINK: There's no one waiting in the, to testify. Would you like me to check with the outer offices?

CHAIR BAISA: Yeah. Would you check so that we can release them and then, Members, we're going to take a break, but I see maybe...go ahead and deal with...oh, we have a testifier. You're going to have to do your paperwork when you're done.

MR. LAU: Okay.

CHAIR BAISA: Please introduce yourself.

MR. LAU: Me llamo J.C. Lau.

CHAIR BAISA: Good morning.

MR. LAU: I stay Kula. I got a magic pill for our water problems, for our infrastructure problems, Maui Wowie. All you need is a little bit of water to wash it down.

CHAIR BAISA: Thank you very much. Is there anyone else in the gallery who would like to testify that hasn't testified? Seeing none, Ms. Willenbrink, please check with the neighborhood offices and then we can close up.

MS. WILLENBRINK: Hana Office, is there anyone wishing to testify?

CHAIR BAISA: We may have lost them?

MS. WILLENBRINK: They're all connected.

CHAIR BAISA: Okay. Try one more time and then move on please.

MS. WILLENBRINK: Hana Office, is there anyone wishing to testify?

MS. LONO: The Hana Office has no one waiting to testify.

MS. WILLENBRINK: Thank you, Dawn. Lanai Office, is there anyone wishing to testify?

MS. FERNANDEZ: There is no one waiting to testify at the Lanai Office.

MS. WILLENBRINK: Thank you, Denise. And Molokai Office, is there anyone wishing to testify?

MS. ALCON: There's no one here on Molokai waiting to testify.

MS. WILLENBRINK: Thank you, Ella. Madam Chair, there appears to be no more testifiers.

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CHAIR BAISA: Okay. No testifiers in the gallery, nobody who's itching to come up? No testifiers in the gallery and none in the neighborhood offices, Members, without objection, I'd like to close public testimony for today.

COUNCILMEMBERS: No objections.

CHAIR BAISA: So ordered.

**...END OF PUBLIC TESTIMONY...**

CHAIR BAISA: Members, would you like to take your morning break? Okay. Well, let's plan to be back here no later than a quarter to 11:00 and we are now in recess.  
...*(gavel)*...

**RECESS: 10:33 a.m.**

**RECONVENE: 10:47 a.m.**

CHAIR BAISA: ...*(gavel)*... Will the meeting please come back to order. Well, now that testimony is closed, Members...here we go again. ...*(turns on her microphone)*... Will the meeting please come back to order. Now that testimony is closed there's I'm sure many questions that we want to talk about, but the Chair has one before I let everybody else have open season. One of our testifiers mentioned something about multiple lists. Mr. Taylor, would you like to respond?

MR. TAYLOR: There is only one list, the list is publicly available. Anyone can go to our website. If you go to the County website, click on Department of Water Supply, then Engineering Division, it says, Upcountry Meter List, you can search it by number and by TMK, that is the list. By ordinance, it's updated once a year. That is the list. It's always been the list. There are, however, people who get meters that aren't on the list. For example, Dowling Company developed a well in Haiku many years ago, dedicated it to the County for a well development deal and got a certain number of water credits for meters for that area. So people have over the years, who aren't on the list, gotten those meters from credits that were outside of the meter list and come in. Also, there are empty lots that have had meters for many, many decades that all of a sudden somebody builds on or maybe somebody buys and builds on. They already have meters, so I can understand why people waiting see all of a sudden on a lot that's been empty for decades and all of a sudden somebody's building and say, hey, that person's not on the list. Well, that may be true. That person may already have a meter or may have gotten a meter from somebody with those older credits. So there is only one list, there is no other list, but there are a couple other ways that people have moved forward based on previous water credits or meters.

CHAIR BAISA: Thank you very much. Okay. Members, I'm open for questions. Do we want to start on one end and move down the row? Ms. Crivello, any questions?

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COUNCILMEMBER CRIVELLO: Thank you. I'm sure you, we've, you probably answered this, but I want to ask it again.

CHAIR BAISA: No problem.

COUNCILMEMBER CRIVELLO: Is it possible to outsource the, some of the work to expedite or to move it faster?

MR. TAYLOR: There may be some of the work we could possibly outsource in the realm of providing engineering services to the applicant rather than doing our work. So that is one area where I think we could possibly either outsource work or demand it of applicants.

COUNCILMEMBER CRIVELLO: Chair?

CHAIR BAISA: Yes?

COUNCILMEMBER CRIVELLO: So you say some of the work or your work, I would think there's a probability or some process that we can put some of your work to be outsourced?

MR. TAYLOR: I don't believe that our work can be outsourced because of the laws around civil service, that work that has historically been done by collective bargaining units like HGEA 13, which is where all our work is done, is not allowed to be outsourced to the private sector. So that work can't be outsourced. But work we're doing that has historically been the work of private engineers that the applicants don't have a private engineer, there might be room to somehow pay for that work to be done so that we're not adding to our work that was historically done by the private sector engineers. That is the one realm.

COUNCILMEMBER CRIVELLO: Chair?

CHAIR BAISA: Yes?

COUNCILMEMBER CRIVELLO: I understand as far as, you know, overriding collective bargaining and what's, you know, but you just don't have the capacity. It sounds that way. You do not have the capacity to fulfill the requirements that we need to get this list moving and as far as infrastructure. This is what I'm hearing.

MR. TAYLOR: Mr. Kushi can give you a better explanation of what our legal constraints of outsourcing work are. He's prepared for that.

CHAIR BAISA: Thank you very much. If you don't mind --

COUNCILMEMBER CRIVELLO: Yes, thank you.



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CHAIR BAISA: --I'll get legal to answer.

COUNCILMEMBER CRIVELLO: Thank you.

CHAIR BAISA: Mr. Kushi?

MR. KUSHI: Yes. Can you hear me? Okay. Yeah. From my understanding, and it needs to be cleared up with Department of Personnel, of course, but Dave is correct in terms of that Kono Decision about outsourcing. Historically, work that was done by the Department, collective bargaining employees. However, there may be other ways. If there's a shortage of engineers that not on the list, there are ways that you can increase the salary because of a shortage category. Perhaps that can attract more applicants and it could be on a temporary basis. That's one problem. The other way might be to hire temporary employees, temporary engineering expertise employees who would not be civil service, but they would be housed in the Department under the control of persons like Jase or whoever. Again, that's a temporary relief measure. Aside from that, you know, the market is tight. Construction, private construction is busy and engineers right out of university, they take better offers. That's all I can say. But again, Personnel Department should be consulted if you need to.

COUNCILMEMBER CRIVELLO: Thank you.

CHAIR BAISA: Ms. Crivello?

COUNCILMEMBER CRIVELLO: Thank you, Chair. I, you know, I'm not pushing for us to do away with our employees. It's just the impression I get is that you do not have capacity, so I'm trying to find how can we resolve that issue and if it means working with Personnel or temporary, whatever, there should be serious consideration how we can provide capacity to move this work, not have to wait 19 years, 30 years, you know. Okay. Thank you.

CHAIR BAISA: Thank you, Ms. Crivello. And I want you folks to know that the ideas that come up today will be followed up on. Thank you. Mr. Couch?

COUNCILMEMBER COUCH: Thank you, Madam Chair, and I want to second Ms. Crivello's obvious frustration and concern and that seems to be a, if we can get around the legal issues, that seems to be a really good win-win situation, so let's hope we can really look into that. And I understand we may, we would have to discuss some things in executive session potentially, so looking forward to that. This is another issue that I would like to bring up, whether or not it needs to be answered in executive session or not, that's for you guys to determine, but again, the Maui Island Plan. You talked about there are subdivisions outside of the Maui Island Plan that, outside of the urban growth or rural growth boundaries, what precedence do they have since we've drawn our lines in the sand, if you will, and you've got this big subdivision potentially outside of those urban growth boundaries and they're high on the, I mean you know, they're a low number on the list and they could potentially come up. When they come up, do you look at the Maui Island Plan, say, oh, you don't really, you can't subdivide

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because it, you're not in the Maui Island Plan urban growth boundaries, rural growth boundaries?

MR. TAYLOR: Member Couch, my understanding has always been that the General Plan is not about ministerial permits and meaning, things where there's a clear process that we're processing something as per rules, laws and regulations. So something like a subdivision application, my understanding has always been that the General Plan is not consulted on that level. It's only consulted on subjective approvals like zoning and SMA and these other kind of things. That has always been my understanding working here for 25 years. We do not consult the General Plan when we're looking at the list. From both, the Administration and from the Council, the policy has been made clear to us, that we are supposed to execute the list with all possible haste as per the order of the list and we're not looking for reasons not to do that. If for some reason there were some directive to us that that was inappropriate because of the Maui Island Plan from a policy standpoint, we would certainly follow that, but I have never heard anyone indicate that we're supposed to check with the Maui Island Plan for processing of permit applications.

COUNCILMEMBER COUCH: If I may follow up on that, Chair?

CHAIR BAISA: Yes, please.

COUNCILMEMBER COUCH: Okay. So subdivision is a ministerial decision. You follow rules and boom, you do a subdivision. Question I have for you is, these subdivisions that they're talking about, are they ag subdivisions or are they intended, do they need to get Change in Zoning, et cetera?

MR. TAYLOR: No, they are subdivisions that do not need, they're not zoning changes. They're subdivisions that are already allowed by their existing zoning. They're pure subdivision applications or meter requests, but they're not, there's no subjective, they don't have to come to the Council for zoning. They don't have to go to the Planning Commission. They are just subdivision processing.

COUNCILMEMBER COUCH: Well, I understand that, but right now you can subdivide with an ag subdivision with the sliding scale, et cetera. So you're saying that these folks already have urban designation and they can then subdivide? Their zoning is Residential or...

MR. TAYLOR: You're getting really beyond my knowledge of that process. We are, they're subdivisions that were applied to for Department of Public Works. They come to us for, at a certain stage and then they're continually processed by the Department of Public Works. Whether or not Public Works sends those to Planning for other portions, I don't know. But they, these things were basically have been stalled with us because we won't sign off for final subdivision because of water. Whether or not there's other things some of these have to do, I don't know. But they're stuck at the preliminary subdivision stage because we're not signing it pass that.

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COUNCILMEMBER COUCH: You're not. Okay. Madam Chair, I have a bunch more questions, but if you're going to rotate.

CHAIR BAISA: Yeah, let's get down --

COUNCILMEMBER COUCH: Thank you.

CHAIR BAISA: --the row here. And, Ms. Cochran? We'll give you a turn.

COUNCILMEMBER COCHRAN: Yeah. And thank you, Chair, and thank you. To follow just along the lines, originally Mr. Couch brought it up and then Ms. Crivello opened up her comments in regards to the whole outsourcing thing and I look at the real property tax, the appeals, the tax appeals when we saw, they just could not handle it and we had temporary assignment to address just that and they did. And they garnered multi millions of dollars into this County's coffers. So somehow looking at something that we didn't take away from anybody's job, everybody had their hands full already. It just helped assist them in, you know, getting to their end goal. So I see that. I don't know if there's a whole different relation, you know, between what we're talking about versus what we did with that, but I guess that could be discussed in executive session sometime. And 'cause I agree, something needs to give here. Something needs to happen, it's...what...the process right now is not working. And then I'm just trying to get and then, Chair, in regards to your comments, in your opening comments about the two lists of some sort. I don't think it's literally in black and white a list. I see it as it's sort of an unspoken kind of things that are occurring, according to testifiers, according to people who live Upcountry, according to the observations they've seen with their neighbors down the road, what have you, in their community and what has happened is properties have been sold and these new properties have been subdivided and given new meters. They were never on the list to begin with so somehow things of this nature is occurring and, Chair, that could be a further, a whole other subject day of discussion, but according to sources, they have the proof and they've seen it firsthand. So, not to get any deeper into that. The, I'm trying to...so March, 1993, the list started because of lack of source and water Upcountry, people wanted to build and what have you. Two thousand and nine, it was codified in our Codes. Two thousand thirteen, it was closed. Then we passed, you know, the exemption on fire protection, so now the list was, I guess the people who declined due to the fact that they couldn't afford, you know, but now that we lifted the fire protection part, are able to come back onto the list. Because I'm getting questions about how come the list got reopened. That was never supposed to be from the original. But is that what occurred, then, it in a sense got reopened? I mean, the people who declined or denied and then the fire exemption passed, so now these people were reoffered to get back onto the list?

CHAIR BAISA: That's what we decided that we would give them another chance because they had originally said no --

COUNCILMEMBER COCHRAN: Right.

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CHAIR BAISA: --because they didn't have the exemption. So we thought it was fair that they should be given the opportunity to enjoy the exemption. And that's it, there's no reopening of the list. And I don't know how far we are through that second round that people were given. Maybe Jase can help us.

MR. MIYABUCHI: Yeah. So as I mentioned earlier, about, we sent out a batch of letters from that reoffer list, about 18 properties or so. Again a handful responded in the affirmative. Hopefully soon we'll be able to go through that second batch and so we can clear that out. Once we get through that, then we'll start back at No. 1 of the, the top of the original --

CHAIR BAISA: Yeah.

MR. MIYABUCHI: --priority list. But that's where it's at right now.

COUNCILMEMBER COCHRAN: Okay. And then, Mr. Taylor mentioned perhaps people see empty lots, all of a sudden they got meters and are built, but those meters were existing. There are existing meters that can get water, but because their number is 580 and it's, you know, you're only at No. 10, why can't these people...and I understand, that's why we need the executive session to talk about this list and as we stated in comments, the list is the problem. And I'm seeing that here with this example, there's families who the meter's literally there, the infrastructure's literally there, in fact, they built it themselves, just they can't get approval to get the source into the pipes to get to that meter to make it functioning. So those things I think are just so frustrating to hear and why can't it somehow just be taken care of?

MR. TAYLOR: Let me clarify 'cause you bring up a point I want to be absolutely clear on. Once a meter is put in the ground by the Department, it's paid for and it's put in the ground, that's their meter and they can use it. There are no longer restrictions. So what I was saying is that somebody may have subdivided decades ago, put a meter in, but just never come in and built anything. They can come in and build right now. They don't go on the list. They have their meter. There are many, many, many empty lots in Maui County. I own one, that has an empty lot that has a water meter. Regardless of what actions Council takes, the Department has given them the meter, they have a 5/8-inch meter. They're up to, they're allowed up to that many fixture units. There's no list. They can just come right in for building permit. They will not be turned away. They, anyone who has a meter can build to the extent that that meter's allowed to be built with.

COUNCILMEMBER COCHRAN: Okay. So no one should be denied. The meter was given because you, the Department agreed they, you had enough source to give them and all this list was checked off and said, yes, you can have a meter. Here it is and as you say, they never turned it on?

MR. TAYLOR: Correct.

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COUNCILMEMBER COCHRAN: And so now they can come in and go, hey, I want to turn this on.

MR. TAYLOR: Correct.

COUNCILMEMBER COCHRAN: And they cannot be denied because originally when it was given, it was stipulated there's enough source, that's why you even have a meter...

MR. TAYLOR: Correct. And it's on. They're getting a bill every month as they have been for however long the meter's been there on that minimum charge.

CHAIR BAISA: That they pay the...

MR. TAYLOR: You know, I have one of these. I've had a water meter in Wailuku for 15 years or something. There is zero reading on it. I get a bill every month for the minimum charge, but never a drop of water has come out. So even if there was a moratorium in Central Maui, I can come in and build a house. I have a meter. So those exist all over the County and it may be that somebody's next door neighbor, it was just an empty lot that had a meter for decades and they all of a sudden came in, maybe they sold it to somebody and that person built a house. So that can happen all over the County all the time. Once you pay for a meter, pay that water system development fee and we install the meter, that meter is yours. We're not gonna take it away and you're now not on any list.

COUNCILMEMBER COCHRAN: Okay.

CHAIR BAISA: I just saw that happen right close to where I live in Pukalani on Iolani Street, somebody just built a new house and of course I was real curious. And it's one of those that they had had the meter, but had never built a home.

COUNCILMEMBER COCHRAN: Right.

CHAIR BAISA: Yeah.

COUNCILMEMBER COCHRAN: Okay. Yeah, I'd sure like to look at the consecutive order, I mean, the listing, the number per se because I think it is doable that we do our infrastructure improvements in, you know, small bites that this County can afford or in the way we raise meter fee, rate fees and what have you in order to accomplish the payment of it, and then regardless of the, your number in line on that improvement line, you are able to tie in and, you know, start functioning. So that, and I think that's the whole executive session thing if we do call something like that sometime. So, thank you, Chair, for that.

CHAIR BAISA: No. You know, I think that the informational meetings that we have had where we've talked about a lot of these issues have really helped us. You know, like when we were doing budget and we looked at the water rates and fees, we knew what to do because we know that they really need the help with the money in order to move

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this along and we approve them. And so I think, you know, spending the time understanding the needs really, really helps us a lot, make decisions. Thank you.

COUNCILMEMBER COCHRAN: Thank you.

CHAIR BAISA: Chair White?

COUNCILMEMBER WHITE: Thank you, Chair. I don't know, I guess this is something that Mr. Kushi can answer in open session, but one of the testifiers brought up the fact that the Public Works Department is currently having plans reviewed by a firm in Honolulu.

CHAIR BAISA: Correct.

COUNCILMEMBER WHITE: So I would like Mr. Kushi's thoughts on whether there are differences in what is being done by Public Works versus what would be necessary in the Department of Water Supply?

CHAIR BAISA: Excellent question. Mr. Kushi, can you help us?

MR. KUSHI: Yes. I heard that testimony and talking to my Deputy, I know it's happening in Honolulu, City and County does it, when they, their public works division, whatever they call it, but I'm not too sure if we've done it here. You need to check with Dave Goode or John Rapacz, I guess it is, but they do farm out in Honolulu plans received by a private consultant. But then the consultant reports back to the Department, not to the applicant. That's my understanding.

CHAIR BAISA: Chair, we'll have that researched and we'll get an answer to this Committee.

COUNCILMEMBER WHITE: Looks like Mr. Taylor has, as usual, something to say about it.

CHAIR BAISA: Oh, Mr. Taylor?

MR. TAYLOR: I, as soon as Chair called the recess, I called Director of Public Works to ask him because I had never heard about that and Public Works Director indicated that they were not outsourcing plan review. When I talked to the testifier and he mentioned the name of the consultant, it is the consultant that I know Public Works has under contract to do the MS4 permit help, so I, and I haven't closed the gap between the testifier and the Public Works Director yet, but I'm wondering if what is being talked about is the MS4 consulting contract and possibly some things having to do with that maybe going to that consultant because that is the consultant he named. I'm not exactly sure what's going on. I'm sure the Public Works Director can clear it up, but I think it's probably most likely a professional services for the MS4 consulting contract, not applicant plan review, but I'm not positive of that. That's what I was able to find out during the break.

CHAIR BAISA: We can look into it and get back to you.

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COUNCILMEMBER WHITE: Yeah, Chair, I would appreciate a review of what is being done on behalf of the MS4 project because I see some similarities between these options because, you know, this is a problem that we've been dealing with for years and years and years. And it's a huge capital challenge which is, we have with MS4 and so I think there may be some, if there's some way that we can engage consultants to help us through this, then I'd sure like to see that happen. Another question that I would like to have addressed and I don't know if this can be done in open session, but it seems to me that it would be very helpful if we could, if your number comes up, say you're No. 100 and you've just been offered a water meter and there are 3 people on your street or that would be affected by the same infrastructure or be assisted by the same infrastructure, is there a way that we can now consolidate, if, you know, when someone on your street comes up, can we consolidate the other 3 or 4 now, let them pay into the infrastructure and either get the meter then or still only get the meter when their name comes, you know, when their position comes up? I'd like to know if there's some way we can make some sense out of this damn list because I don't see us getting through this law, you know, quickly enough and as long as we're doing the same calculations for the same four people, it seems like that would require much less engineering time. And if we need to hire a consultant to aid in that, I'm happy to do that.

CHAIR BAISA: Thank you, Mr. White. I share the question with you. Again, the Director may, you know, have certain limits to answer in open session and we can take this up in a scheduled executive session, but Director Taylor?

MR. TAYLOR: Mr. Miyabuchi has some experience where people are actually doing this that he can share.

CHAIR BAISA: Jase?

MR. MIYABUCHI: Yeah, so I mean, we have a couple of situations where, you know, these applicants on the list, they know where they're at, they know where their neighbors are at, not right next to each other, but, you know, down the line and separated but they know eventually at some point they will come up on the list. So on their own, they've hui'd together and paid a consultant to draft one set of plans that we can review, you know, as one set of improvements. So when their meters do pop up then they just can go in, you know, whenever their applicant number comes up.

CHAIR BAISA: But they're doing it on their own?

MR. MIYABUCHI: On their own, yeah.

CHAIR BAISA: Yeah.

MR. MIYABUCHI: Because they know where they're at.

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COUNCILMEMBER WHITE: Okay. And so they would only get their meter when their number comes up? They wouldn't get it, they wouldn't get moved up on the list?

MR. MIYABUCHI: No. Yeah, they would get offered a meter when their number comes up even though the infrastructure has been in the ground for however many years.

CHAIR BAISA: I think the question that we really want to look into is can we jump the numbers on the list and that's something we better discuss with our legal folks.

COUNCILMEMBER WHITE: No, yeah, I'm not interested in jumping the numbers, but I think there's --

CHAIR BAISA: I know.

COUNCILMEMBER WHITE: --definitely a lot to be said for consolidating the work because it's --

CHAIR BAISA: Absolutely.

COUNCILMEMBER WHITE: --it makes the Department's life a whole lot easier and whether they're hui'ing up on their own or whether we facilitate the hui'ing up because the Department knows what the infrastructure improvements are that are gonna be needed --

CHAIR BAISA: Right.

COUNCILMEMBER WHITE: --long term. And, Madam Chair, I also, I'd like to see some of that money that we set aside for Upcountry be used to offset some of those infrastructure improvements that are gonna help the overall system more than they're gonna help the individuals that are being asked to pay for the entire thing because some of these numbers are just really incredibly high and...

CHAIR BAISA: Three million.

COUNCILMEMBER WHITE: Yeah, I just, I don't think it's fair for us to look to one or two or three or four individuals to carry that entire burden.

CHAIR BAISA: I totally agree with you, but you know, what we're hearing today I think is really, really important because it makes everybody understand how complicated this problem is and how much work we have before us to try to, you know, do little changes in places that will make a huge difference. When I talk about jumping the list I'm not trying to be facetious or, you know, do anything illegal but what I'm saying is, you know, we've had testifiers mention things like why can't family subdivisions go ahead, you know, and these are the kind of things that we might want to discuss with legal and see, you know, and bring it to the public and ask them if you guys want us to do this, but can we is the question. We don't even know the legal ramifications so



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what I would like to do is talk about this with our legal folks and give them some time to do some research and then we can have a meeting.

COUNCILMEMBER WHITE: I guess another question would be whether we can hire a consultant --

CHAIR BAISA: Correct.

COUNCILMEMBER WHITE: --to look at where all the meters are, you know, if they can be provided access to this system, can they do the footwork to see where consolidations --

CHAIR BAISA: Could occur.

COUNCILMEMBER WHITE: --would be possible and most helpful and provide the, provide a list of those who could hui up rather than us leaving it to them and I, you know, I obviously don't think our Staff can do that kind of legwork.

CHAIR BAISA: Absolutely. We're gonna need help in getting some things done.

COUNCILMEMBER WHITE: The other question I had was whether or not, you know, the idea of the purchase of additional fixture counts for, with your existing meter, are there, has there been an analysis of those requests that could be, that could benefit from either the purchase of additional fixture count would then not need an additional meter or are there meters where there's absolutely no infrastructure needed, additional infrastructure needed that could be facilitated?

CHAIR BAISA: Mr. Taylor, we're gonna try to stay, Chair, we're gonna try to stay on the agenda and just for your information, you must be reading my notes or be clairvoyant because it looks like on August 17<sup>th</sup> we're gonna be talking about the fixtures and the permissions and the ideas that have come up and we can talk about it then and we can have them answer that question as part of the presentation.

COUNCILMEMBER WHITE: Well, I guess the question in my mind is how many people on the list because we're talking about the list, how many people on the list would benefit by the new fixture count?

CHAIR BAISA: Probably don't have this, but they'll have it ready for this meeting --

COUNCILMEMBER WHITE: Okay.

CHAIR BAISA: --that we're gonna schedule.

COUNCILMEMBER WHITE: That's fine.

CHAIR BAISA: Thank you for asking the question now so they'll be ready.

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COUNCILMEMBER WHITE: Well, you know, I don't need to be clairvoyant. You and I have been on the same page for a long time on this damn list.

CHAIR BAISA: I'm gonna plow through this thing until, you know, I have no more time, but I want to make some progress on this thing that I hate the water meter list as much as everyone. I really hate it. It has hamstrung us incredibly so. Somebody wants to say something down here?

MR. TAYLOR: The question's kind of an easy one to answer, almost longer than the discussion, shorter than discussion. We don't know how many people the fixture unit thing will help. There are certainly, roughly half the people on the list just want like a meter size upgrade. Many of those people may just need a couple fixture units and they may look at this saying, look, I can just buy my extra fixture units, when we get to them on the list, they may say, never mind. On the other hand, they may want a meter upgrade because they want so many fixtures that it doesn't help them. We don't have that kind of detail. We only know that about, maybe half the people on the list want a, you know, meter upgrade and so how many of them are gonna be helped by the fixture thing, we don't know.

CHAIR BAISA: And this is why, Chair, what I'd like to do is have a session or a presentation on the fixture units and what it means and how it's done and what it can help so that folks who might only need a few fixture units who were told well, you can't build because you need a new meter might come in and take advantage of their offer. You know, we did that in budget and I don't think there was a whole lot of fanfare about it, but I think folks need to know so that they can avail themselves of it. So that's my idea.

COUNCILMEMBER WHITE: Good.

CHAIR BAISA: Yeah.

COUNCILMEMBER WHITE: Thank you.

CHAIR BAISA: Okay. More?

COUNCILMEMBER WHITE: No.

CHAIR BAISA: Mr. Carroll? No, you're okay. Wonderful. Okay. Second rounds here. Anybody want a second round? Mr. Couch has his hand up.

COUNCILMEMBER COUCH: Thank you, Madam Chair. Along that fixture unit count because that was one of the questions I was gonna ask. Just a thought is that if you know who's having a meter upgrade, you might want to send them a letter saying, hey, you have this capability and, you know, if you only need to add a few more fixtures, remove, you know, do it and remove yourself from the list. That might get rid of maybe a quarter, who knows. If that's, you know, if we're thinking optimistically. So

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that's a potential that, a proactive thing that you might be able to do in order to cut down some of that list.

CHAIR BAISA: Cut the list.

COUNCILMEMBER COUCH: Just a thought.

CHAIR BAISA: Any more?

COUNCILMEMBER COUCH: Yeah. I didn't know if they had a comment on that or.

MR. TAYLOR: It would certainly help those people, though it wouldn't, them coming in for those fixture units wouldn't erase from the list. When their name came up, we'd still have to send them a letter and process them, but it could help them earlier.

COUNCILMEMBER COUCH: Couldn't they remove themselves from the list?

MR. MIYABUCHI: They could remove themselves, but that's not something that we could ask of them. I mean, they could of their own volition come in and say, oh, that's all I need and let us know.

COUNCILMEMBER COUCH: Right. Right. That's what I'm saying is kind of a work together with them saying if this is all you want, go ahead and do your upgrades, add your room or whatever it is and if you would be so kind to remove yourself from the list, that kind of thing. That's a potential proactive thing that might help a bunch of the list. The question I had, the other question I had is something was brought up by one of the testifiers that it's a sneaky thing that I don't know if we're looking at it or not, but when somebody wants a new meter, are they, is it for domestic use or ag use or are you looking at that for the capacity or does it matter? Because you're gonna give 'em a 2-inch meter, whatever they use it for, you calculate the capacity that that meter can draw? Do you take into account whether it's gonna be ag use or domestic use?

MR. MIYABUCHI: Yeah, so the numbers on the list as far as usage or projected usage gallons per day, it's based on what the zoning of the property is so that's how we assigned that certain capacity to that request. So whether or not, whatever they're gonna use the meter for, our numbers are assigned through our standards and that's how we go, that's how the allocations are listed out on the list.

COUNCILMEMBER COUCH: So potentially, that's very eye opening because potentially you got a lot of these ag lots out there, but they're only gonna be, they're not gonna do ag, they're just gonna build a house, right? So potentially, you have calculated that these folks are gonna use 20,000 gallons a month and they're only gonna end up using 8, so there's some reserve capacity in there it sounds like that there's the potential for that.

MR. MIYABUCHI: Could be, it's just that we wouldn't know until they actually start using, of course, right, I mean, we can only go based off of our estimated numbers.

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COUNCILMEMBER COUCH: Okay. That's good information to know.

MR. TAYLOR: Mr. Couch, I see what you're thinking. Let me, just pretend for a second the list didn't exist 'cause there's been some questions. Let me just quickly explain what I would do if there was no list. Essentially the system works in 3 parts. The upper, let me say the lower, which is sort of below Makawao Avenue between Makawao Avenue of up to say 2,800 feet and then above 2,800 feet to 4,000 feet. That's really the 3 zones. If there was no list and you want us to help as many people as we could, we would take people who aren't doing ag, people who just want houses at the lower level. Everybody in Haiku, everybody up to Makawao, everybody below Makawao Avenue, we'd just probably just give them meters because that's the easy place to serve where there tends to be a lot of water. The last group would be the people doing large ag at the highest elevation up at 3,000-4,000 feet, you have this big draw. So kind of, you know, what you were alluding to is, you know, some people use more, some people use less, that isn't how the list is set up. It's set up how Jase went through. But from a could we help more people quicker, of course we could, you know, the people, just the way the system functions, the lower elevation people, Makawao Avenue and below who just want a house or ohana, those are not a huge drain on the capacity. And they might have like local piping issues, but again, that isn't what the list says. You know I think if we were going back in time, if I was there when the list was made, I would say at the very least, there should have been three lists, you know, a lower, medium and upper and I would have further categorized them from, you know, do you just want a house or do you want outdoor, you know, large irrigation usage? And probably if we had done that, we would have gotten, taken care of all the housing already and we would have just been left with the large exterior use especially at the higher elevations. But the fact that those people may be, you know, No. 1 and No. 2 or No. 3, that's what's sort of making this so complex is it's not following the natural usage and, you know, who can we best help.

CHAIR BAISA: Just to follow up on that question. The testifier also asked a very interesting question. Can we limit the amount that they can have, the amount of water? This is the person that was asking about the ag use, domestic use and also said, can we limit the amount that they can have with the meter.

MR. TAYLOR: So understanding that currently we allocate meters. A 5/8-inch meter at full capacity can put out 28,800 gallons over a 24-hour period. Now average household use is about 600 gallons. So you need to understand that somebody can come in with a single-family on the list saying I want a 5/8-inch meter and if they start doing huge ag, they're gonna use a lot of water. So it takes some time to really look at how the usage is actually happening. So we're not allocating people a volume of water, we're allocating them a meter of which they're allowed, you know, to run it 24/7 and use 28,800 gallons. If the, it was modified again such that, if somehow we were able to offer meters for people that promise, you know, to use no more than 500 gallons a day, all of a sudden all of those people would be easy to serve. Those people at low elevations would be really easy to serve. So that's sort of somehow some of the operational mechanics clash with the ordinance of the list, the order of the list.

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COUNCILMEMBER COUCH: Thank you, Madam Chair, and that clarifies those few things. The size of the meter essentially is the, what you're saying, the size of the meter is the limit?

CHAIR BAISA: Yeah.

COUNCILMEMBER COUCH: So you anticipate or do you anticipate that 28,000 gallons a day for every 5/8-inch meter or do you have a number that you...

MR. TAYLOR: We have to look at it case by case, right. If it was a 5-acre lot and they just want a 5/8-inch meter to build a house, but maybe they're going to do a lot of ag versus if it's just a 5,000-square-foot lot, well, clearly they're not gonna, you know, use 28,000 gallons. But this is not an exact science because we're not limiting volume. We're allocating meters that have a wide range.

CHAIR BAISA: Yeah.

COUNCILMEMBER COUCH: Thank you.

CHAIR BAISA: Thank you. Well, you know, I laugh over 600 gallons a day per house because I think we use about 200 and we're not dirty people. Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you, Chair. Yeah, I think it's what people can afford to use, too. And then of course, we do limit them during drought times and conservation, you know, aspects of it. So I guess maybe this is just kind of simple but what number are you actually on? If there is this consecutive order we need to pay attention to and that's why we can't talk about condensing infrastructure and getting people from all levels of the list to, you know, on with water, what number are we on?

MR. TAYLOR: Well, the list is renumbered every year. Okay. So we get through it and then was it June 1<sup>st</sup> or June 30<sup>th</sup>?

MR. MIYABUCHI: No, it'll be November now, November 30<sup>th</sup>.

MR. TAYLOR: Oh, November. November 30<sup>th</sup>, we...so I think the best thing to answer that Mr. Miyabuchi can answer is how many applicants have we processed in the last two years and how many have accepted meters. I think that's the best thing that he's sort of prepared to answer.

COUNCILMEMBER COCHRAN: Great. Oh, okay.

CHAIR BAISA: Good question, Ms. Cochran.

MR. MIYABUCHI: Yeah. So since April, 2014, we've offered about 121 properties, we've had about a 60 percent, almost a 60 percent acceptance rate off of that so far. Like I mentioned before, the reoffer list to, we offered about 18 or so, we've had about little over 10 percent acceptance on that. So again, once we get through the second half of

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those reoffers, then we'll get back to the top of the original list and we'll start from there.

COUNCILMEMBER COCHRAN: So...

CHAIR BAISA: So that's why the testifier said his number went down by 100 because they renumbered.

COUNCILMEMBER COCHRAN: Yeah. Right.

CHAIR BAISA: Yeah.

COUNCILMEMBER COCHRAN: But I mean, renumbering will drop a person's spot so to speak obviously.

MR. MIYABUCHI: It'll raise their number. It'll raise their number because their number will be smaller because the people at the top have been offered and they're off the list at that point.

MR. TAYLOR: Yeah. Essentially if it works out that Mr. Carroll's No. 1 and Mr. White's No. 2 and you're No. 3 and we've processed three this year, well, Mr. Couch was No. 4, but we put out the new list and now he's No. 1.

COUNCILMEMBER COCHRAN: Now he's No. 1.

MR. TAYLOR: Right.

CHAIR BAISA: Yeah. Yeah.

MR. TAYLOR: That's how we do it every year.

COUNCILMEMBER COCHRAN: Right. And so, is there a number that you're actually on? Like a technical number, you know, I mean, there's...

CHAIR BAISA: If we say there's --

COUNCILMEMBER COCHRAN: Yeah.

CHAIR BAISA: --1,800 or 1,900 applicants on the list...

COUNCILMEMBER COCHRAN: Is there, and even with renumbering and all that juggling whatever is there an actual number that you're on?

MR. MIYABUCHI: Well, again, right now we're on the reoffers. Those are numbered...

COUNCILMEMBER COCHRAN: Yeah, but set aside that because you haven't gotten the replies back from your letter, where, what's the list say? The list. Is there a, there's a

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list, right? I mean, that's what we're all mad about. It's, so one, you're back up one, is that what it is?

MR. MIYABUCHI: No. 122, I guess then. I mean from the very original 2013 list, we'd be on No. 122, which is No. 1 now.

CHAIR BAISA: Good.

COUNCILMEMBER COCHRAN: So 122.

CHAIR BAISA: So 122 are gone.

COUNCILMEMBER COCHRAN: Okay. And...alright.

CHAIR BAISA: This is why we have this problem of how do we move...

COUNCILMEMBER COCHRAN: Right. And then, for Mr. Taylor's take, if there were no such list, this is how he would do it, the lower, middle, upper levels. Have you taken existing list and broken it down that way?

MR. TAYLOR: We have mapped them.

COUNCILMEMBER COCHRAN: Yeah, mapped them?

MR. TAYLOR: So we know where they are.

COUNCILMEMBER COCHRAN: Right.

MR. TAYLOR: And they're equally spread over all the areas. I'm just saying from a practical standpoint, if we ordered it that way, we could process lots and lots of people much, much faster because more people would say yes. There's water. We know where the infrastructure is. You know, if we could follow where the water is and where the big pipes are, all of those people would say yes and we don't need to do a lot of engineering because we know the pipe's big enough. And, again, that isn't what the current ordinance says.

COUNCILMEMBER COCHRAN: Right. And so that's why, Chair, hearing that, I thought how can we look at it from that perspective and change and adjust it in order to accomplish...I mean, I don't know, if that's possible.

MR. TAYLOR: So I think that's a question for executive session.

COUNCILMEMBER COCHRAN: Right. And that's...

CHAIR BAISA: Yeah.

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COUNCILMEMBER COCHRAN: So these are just to take note and so when we get there we can start. And then, also looking at asking what are your potential uses, applicant, are you gonna do ag, are you gonna be ranching, are you gonna just have a single-family home, are you plan...whatever. You know, and that way we have a, you have a general idea of amount and what the potential uses are and I don't, you know, these are just discussion topics.

MR. TAYLOR: And to follow that, to give you another sort of idea, because the Council passed the water shortage bill and passed the change in fees in the budget, if you think about it, if your goal is to help people with housing, you know, if that's really the goal is to have --

CHAIR BAISA: Yes.

MR. TAYLOR: --you know, ohanas and get their kids in.

CHAIR BAISA: Yes.

MR. TAYLOR: If the goal of this becomes housing rather than ag, and again, putting the list aside, the legal issues of the list aside for a second, knowing also that the nice thing about residences is, is we can cut them back during the drought where ag we can't. We had that discussion. So if the emphasis was houses, not exterior use, especially at the easy-to-serve areas, that we can cut back, you know, for a month, a year, you know, we can give them a 30 percent cutback on their lawn and things like that. All of a sudden, you could probably take almost everybody that's in that category who just wants a house without exterior use, you probably can give 'em water right now as long as their piping was big enough for their, you know, domestic as fire. It wouldn't cause a big problem with the ups and downs of volume. So, there are practical operational engineering solutions to this, but again, the list overrides all of those. And everything you heard us today say we are legally bound to follow the list even though our gut feel as engineers try to help as many people as quickly as we can wants to go in this completely different direction and if some way the laws were changed to allow that, a lot more people could be helped a lot faster.

CHAIR BAISA: Okay, Ms. Cochran?

COUNCILMEMBER COCHRAN: Oh, yeah, sorry. And so I guess I was asking Mr. Couch, who started this list and who are the culprits that started...

MR. TAYLOR: The Board of Water Supply back in --

COUNCILMEMBER COCHRAN: Ninety-three.

MR. TAYLOR: --1993.

COUNCILMEMBER COCHRAN: And they were autonomous at the time?



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MR. TAYLOR: They were semi-autonomous.

COUNCILMEMBER COCHRAN: And so did they have a game plan? Did they just say, hey, can't feed you, but let's just put you on this list that somebody will deal with later down the road.

CHAIR BAISA: You got it. You got it.

MR. TAYLOR: I have talked to people who were on the Board at the time. I talked to the Director who was the Director at the time and without going into the details, I think frankly we were the first Administration to come in and --

COUNCILMEMBER COCHRAN: To try...

MR. TAYLOR: --try to really roll up our sleeves and fix this. I just don't get the sense that anyone really had a really clear vision of how to move it forward.

CHAIR BAISA: Yeah.

MR. TAYLOR: And I think that's probably why it just stopped at the time.

CHAIR BAISA: I think it's called kicking the can down the road. And you know what, the can is in this room.

COUNCILMEMBER COCHRAN: Yeah.

CHAIR BAISA: And unfortunately, we're here trying to deal with it.

COUNCILMEMBER COCHRAN: Yeah. Thank you.

CHAIR BAISA: But I'm excited that we can begin to deal with it and I think we have the will to do it and that's all it takes. Mr. White?

COUNCILMEMBER WHITE: Thank you, Chair. You know, I think Mr. Taylor's come up with a number of good ideas and the, I think the thing that we have always been operating under is that we can't touch --

CHAIR BAISA: The list.

COUNCILMEMBER WHITE: --the list because of the legal ramifications. What I would like Corp. Counsel to work on between now and the next meeting is to evaluate whether the overall public good or financing of the County or there's some rationale that can be brought to bear so that we can provide changes to the Code that give priority to housing, give priority to family subdivisions, give priority to those areas within the designated rural areas or urban areas in the various Upcountry areas. And, then, also easier time getting it if you're at the lower elevations where there are the pipes or the,

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you know, the infrastructure that's already there. I mean, stupid is as stupid does and at some point, we have to say --

CHAIR BAISA: Enough.

COUNCILMEMBER WHITE: --we may have to take some chances that somebody might sue us, but the flip side of that is if you're in an area that may not ever get water please don't come and sue us if we're trying to take care of other people before we get around to you. But I mean, we need to come up with something that's workable and there's some really sensible ideas in this room right now and we're not addressing them because we're concerned about somebody getting ticked off and taking us to court. But at some point, we need to come up with solutions, not just keep doing the same thing over and over.

CHAIR BAISA: Yes. I think I hear the spirit of we may have to take a risk and that's what people pay us to do for the good of our community.

COUNCILMEMBER WHITE: Right.

CHAIR BAISA: You know, we're dealing with this horrible housing issue and water's a big piece of it.

COUNCILMEMBER WHITE: Right.

CHAIR BAISA: And so we're, you know, trying to figure out in our temporary investigative group how to deal with the housing problem, well, this is a piece, it's a big piece. Anyway, I think that, you know, we have had a very productive morning and unless somebody has another very burning question I think we've pretty much talked this out and we will take the suggestions, ideas and plan to follow up on this meeting and come back with maybe possibly an executive session if it has to be. So, Jase, I'd like to thank you very, very much and I apologize for taking you away from your meter list for a while. We probably lost another meter today while he was here with us, but I thought it was really, really important and he also had to take the time to put together this handout for us. So again, thank you very much. Three meters went while we were talking. Now we're hearing it from the Director, oh well, I'll have to live with that. Anyway, I want to thank you folks for the cooperation. You know, we can do this, but we all have to work together. So I want to thank my Members for your attention. I want to thank the testifiers and for those in the gallery. And thank the viewing audience. I know that many people were not able to be here today because they told me they'd be in front of their TVs either today or when it's rebroadcast. So again, thank you to my Staff and to everybody. And folks, without any further business...yes, Mr. Couch?

COUNCILMEMBER COUCH: Madam Chair, just so you can tell your friends and anybody who wants to look at it again, we now have a system at [mauicounty.legistar.com](http://mauicounty.legistar.com) that they can look at it any time they want. The can just press on it and it's on demand, so.

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CHAIR BAISA: Can you kinda walk us through how they do that? Because not everybody's a techie like you.

COUNCILMEMBER COUCH: Yeah. You just go to [maucounty.legistar.com](http://maucounty.legistar.com) and look at the committee, it'll say, Water Resource Committee and there's a column in the far right, that says, video. You click on that, you can watch it right then and there.

CHAIR BAISA: Wonderful.

COUNCILMEMBER WHITE: With one caveat.

CHAIR BAISA: Yes, Mr. White?

COUNCILMEMBER WHITE: It generally takes a couple of days for the videos to be uploaded. So it's not immediately after the meeting is over.

CHAIR BAISA: So after we bang the gavel, not then. Couple days?

COUNCILMEMBER WHITE: No. Couple days.

CHAIR BAISA: That's wonderful. That's really helpful. Thank you, Mr. Couch. Ms. Willenbrink?

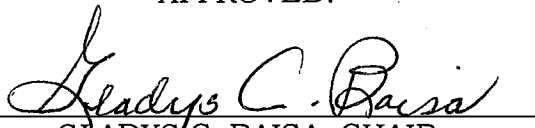
MS. WILLENBRINK: Yes, Madam Chair. I might just add that our new County website, [maucounty.us](http://maucounty.us) has a link to that if they just want, it says webcast or something, just push that button and do exactly what Councilmember Couch has suggested.

CHAIR BAISA: Okay. Thank you very much. Okay, Members, without further business this meeting is adjourned. . . .(gavel). . .

**ACTION: DEFER PENDING FURTHER DISCUSSION.** (Excused: MV)

**ADJOURN:** 11:38 a.m.

APPROVED:

  
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GLADYS C. BAISA, CHAIR  
Water Resources Committee

wr:min:160803:jb

Transcribed by: Joanne Bista

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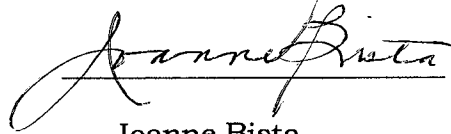
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CERTIFICATE

I, Joanne Bista, hereby certify that 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 22<sup>nd</sup> day of August, 2016, in Kahului, Hawaii



Joanne Bista