

MAUI COUNTY CHARTER COMMISSION PUBLIC MEETING
Pa`ia Community Center, Pa`ia
Wednesday, August 1, 2001
6:30 p.m.

PRESENT

Teryl Vencl, Chair
R. Sean McLaughlin, Vice-Chair
Vince Bagoyo
Bill Fuhrmann
Gwen Hiraga
Stephen Holaday
Karolyn Mossman
Stephen Petro
Erlinda Rosario
Donn Takahashi

STAFF

Brian Moto, Corporation Counsel
Ke`ala Pasco, Charter Commission Assistant

EXCUSED

Carole Ameral

CALL TO ORDER

Chair Teryl Vencl thanked those attending the public meeting at the Pa`ia Community Center and introduced herself. The meeting was called to order at 6:40 p.m. and began with introductions of the commissioners and staff: Vince Bagoyo (Lana`i); Erlinda Rosario (Wailuku); Karolyn Mossman (Upcountry); Donn Takahashi (Wailuku); Bill Fuhrmann (Hana); Sean McLaughlin (Kula); Steve Holaday (Makawao); Steve Petro (Moloka`i); Gwen Hiraga (Wailuku); Ke`ala Pasco (Charter Commission Assistant); and Brian Moto (Corporation Counsel). Excused: Carole Ameral. Chair Vencl explained that the Commission had one business item to address before beginning the public testimony and the description of its process.

Chair Vencl asked for comments, corrections, or an approval of the minutes from the Kihei meeting on Wednesday, July 25. The minutes had been emailed to the commissioners beforehand, and were in packets that were distributed prior to the meeting. Brian mentioned that the name of one of the testifiers needed his name corrected; Ke`ala replied that the correction had already been made. Motion was made (Commissioner Petro) and approved (Commissioner Holaday) to accept the minutes with the corrected name. The motion was unanimously carried. Excused: Commissioner Ameral.

Chair Vencl called attention to the commissioners' packets that included communications that had been sent to the Commission, and asked for a motion to accept them into the record. Motion was made (Vice-Chair McLaughlin) and seconded (Commissioner Takahashi); motion was unanimously carried. Excused: Commissioner Ameral.

Chair Vencl then explained that the Charter is the "County Constitution." It is the document that governs our government.

Copies of the Charter were available at the meeting. It may be found on the county website (www.co.maui.hi.us/charter.html), and is also available (in its original, booklet form) on the 7th floor of the County Building in the County Clerk's office for \$2.00.

Comments are welcome at any time between now and the time this project is finished. Anything in writing should be sent to the Charter Commission in care of the Mayor's office.

The format for the public meetings is as follows: each person will have three minutes to speak; a minute to finish; and the chance to speak again once everyone has had the opportunity to speak. Some people asked about testifying for an organization as well as an individual. Anyone wishing to do this will have three plus one (minutes) to speak for their organization, and an additional three plus one (minutes) to speak as an individual. These testimonies are to be given concurrently.

Chair Vencel explained the Charter Commission process. It began in June and will continue through the month of August, with meetings in a different community every Wednesday night. By September, the Commission should be ready for deliberations about the issues that have been presented (this will probably last until November). The Commission will be asking for advice when needed and bringing in experts to talk about issues.

The Commission plans to return to the communities sometime in December (definitely by February) to ask the communities what they think about its recommendations, to try to give explanations if there are concerns, and to ask for further input. By April, the report will be submitted to the Council for review. It will then be sent back to the Commission to complete the final draft by July 2002, and submit it to the County Clerk's office to prepare it for the ballot in November.

TESTIMONIES

MR. STEVEN K. HAO, JR.

Mr. Hao from Pukalani expressed his personal opinion about a couple of things:

- 1) Eliminate the Planning Commission and utilize neighborhood boards. The boundaries should be the same as the Citizen's Advisory Committee. Members should be elected by citizens within the boundaries of that particular area, or names should be suggested by the Mayor and/or Council members.
- 2) There should be something in Public Works about recycling. The landfill is going to fill up; this is an island. We should put something in Public Works about a permanent curbside recycling program.

Mr. Hao said he'd like to speak again later.

MR. MERCER "CHUBBY" VICENS, PA'IA MAIN STREET ASSOCIATION CHAIR

Mr. Vicens of Sprecklesville spoke as an individual and resident of Sprecklesville first. He addressed the following:

- 1) Section 3.2, Item 5. Regarding the term of office for Council members, he suggested a four-year term, with a maximum of three terms for a total of twelve years. This would allow Council members two full years of getting a lot of things done, meaning more efficiency in government.
- 2) Mr. Vicens also suggested that Council members work full time vs. part time, and that their salaries be raised to \$65,000 - \$75,000. There is actually the ability to take that funding right now, because each Council member is allowed two assistants. If you gave one of them a

full time position, and the other a part time position, there'd be about \$20,000 - \$25,000 to move the council member into that salary range.

When it was his turn to testify as the Pa'ia Main Street Association Chair, Mr. Vicens continued along the same lines:

- 1) We need stability in the County Council; therefore he suggests the four-year term times three. He's not saying that the current Council members don't do a good job; he wants an opportunity for them to do a better job. Give them a living wage so we don't insult them by having their assistants make more money than they do. Council members do a lot of work, and it's about time the community recognizes the work they do, and how important they are to the community.
- 2) If it's done correctly, you don't even have to increase the budget to increase the Council members' salaries. It's just a matter of tweaking how you spend the dollars. Mr. Vicens doesn't believe that Council members should be called part time employees while working full time jobs.
- 3) There's a lot to be said about CACs and their liability, but Mr. Vicens chose to wait to speak on that subject. He reiterated the points mentioned previously, and thanked the commissioners for taking time out of their lives to revisit the Charter, and said that the decisions that the commissioners make will be very important to this community.

MS. LUCIENNE DENAIE, MAUI TOMORROW CONSERVATION CHAIR

Ms. DeNaie began by thanking the commissioners. Speaking first as a resident of Huelo, she focused on the following concerns:

- 1) We seem to be involved in a planning process that, once the process is approved, the actual intention of the community doesn't seem to be that well expressed in the final plan. The community is often surprised at what happens on the ground after they've been involved in the planning process. She wondered if a mechanism could be developed so that a community plan actually has the weight of an ordinance, of law. Because they are passed by the Council, she assumes it's an ordinance, but they seem more of a suggested guideline in County Council meetings. Part of this is because there isn't a good concurrency factor. We really need to have teeth in these community plans or people are just going to give up.
- 2) We need to integrate our planning process more. There is confusion due to lack of communication and public trust.
- 3) We need a definition of open space, and we need to treat the preservation of open space as an infrastructure need, and provide funding for it.

Ms. DeNaie then testified as the Conservation Chair of Maui Tomorrow, a citizens planning group that has about 1,000 members that support their efforts to educate the policy makers and the public about different planning strategies. In consulting with the board of Maui Tomorrow, there are a number of things they want to address:

- 1) Community plans really need a greater enforceability and respect as well.
- 2) They'd also like to see some reform in the general planning process. They need a mechanism for accountability to implement our general plans, community plans, and coastal zone law. That section is lacking right now. They also need to create a regular cycle for the planning process.

- 3) CACs should be given more authority and perhaps be kept on past the initial process of the community plan. Perhaps they should be elevated to neighborhood boards; there should be a look at that structure. Utilize the benefit of the CAC's knowledge.
- 4) We really need to fully define concurrency. We have it in many of our community plans, but it's a pretty loose definition of what it really means (road, water, trash, etc.).
- 5) We need a mechanism to initiate time outs. People don't like the word moratorium, but all communities go through this, when you just have to take a time out from the process because things are getting out of hand. We need an official way to do this, and/or to reconsider zoning decisions that we have made to down size certain areas. We need a proper mechanism so it's not a chaotic process.
- 6) We also need a commitment to recycling. Maui Tomorrow strongly supports that as something the County should work towards as a court variance.

To sum things up, Ms. DeNaie said she'd just like to see accountability in the planning process. This may mean an office needs to be established, an office that would actually review some of the SMAs after the fact to see if there has been compliance.

Commissioner Mossman asked Ms. DeNaie and Mr. Hao to clarify a couple of things. She said she heard that the plans didn't reflect the wishes of the community, and that the plans weren't being followed. Are both things a problem, or is it specifically one thing more than the other?

Ms. DeNaie replied that she thinks both are a problem. By the time a plan is passed, some of the provisions are significantly changed, so that is an ongoing problem. The CAC recommendations get changed. Everyone should be at the table so that there are no afterthoughts. After the fact, you really want to see that something that is suggested is really what happens with that land. The decision-making process should also be included, because after the fact, no one remembers why a certain decision was made, and the minutes are obscure.

Mr. Hao agreed about the implementation part of the community plans, because when the plans are finally adopted, which is like six or seven years later, the implementation of what is supposed to happen ten or twenty years from now is just not there. So we should stick to what the CAC came up with.

Vice-Chair McLaughlin asked Ms. DeNaie if she endorsed the Mayor's suggestion that 1% of the county revenues be dedicated to land acquisition.

Speaking as an individual since there hadn't been time to take it to the board of her organization, Ms. DeNaie said she thinks it's a step in the right direction. She wants to know how the structure is already set up in the county for the parks fund. It may be that this is just formalizing what is already happening. She agrees with Mike White that our beaches and our parks are a tremendous resource, not just to residents but also to our visitor industry, and that we need an investment mechanism. The Mayor's suggested 1% is certainly a start, and she'd like to see the language of it, but she applauds any efforts in that direction, and we're certainly going in the right direction.

Vice-Chair McLaughlin also had another question regarding open space acquisition. It's been suggested that the Charter Commission look at embedding similar rights of access within the County Charter (similar to the PASH decision), so he wanted to know, regarding access to lands, shorelines, and mountainsides, if that's been thought of or looked into.

Ms. DeNaie thinks it'd be very good to see the concurrency between that and state ordinances that to her understanding, guarantee public access not just to native Hawaiians, but also to the

public at large, along what has been traditional trails. There is state law that actually describes that if it was a trail in ancient times ("pre-takeover"), then it is an enforceable rate. However, it might be better to get that in a stronger sense because there are many violations of this, when property owners take it upon themselves to block public access to a trail that has traditionally been public access for generations. It could be a cause for dissension. It's something where legal protection is needed for the property owner too. There've been some means in the state to try to address that, but there needs to be more.

MR. RICHARD MAYER, MAUI ASSOCIATION OF UPCOUNTRY COMMUNITY ASSOCIATIONS

Mr. Mayer spoke for himself and MAUCA (Pukalani, Makawao, Kula, and Ha'iku), sharing the same message for both. He discussed twenty proposals (please see attachment) that would permit subsequent changes in the general and community plan process; the operation of the Planning Department and the Planning Commission; the operations of the County Council and its Planning and Budget Committees; and the county agencies that would monitor and implement these proposed plans.

MR. MICHAEL E. GAGNE

Mr. Gagne suggested the following regarding the Planning Department:

- 1) Empower the communities; CAC recommendations need to be adopted as a stronger document. Ha'iku had the best CAC process, it was touted in the newspaper and in the County Council as something that was thoroughly looked at; however, they still feel that a lot of their recommendations were overrun.
- 2) Establish a new public testimony process. We are experiencing more and more acrimonious public hearings; this is reflective of the public frustration in the community due to being left out of the process. There is a vast division between the people who are pro and the people who are anti on projects.
- 3) Tax Increment Financing was approved in the late eighties in the state of Hawai'i. This enabled the counties to administer TIF, which is a way for communities to develop their needs, and pay for them by the increased tax increment over a period of time.
- 4) Give communities more power to be involved in planning issues.

Commissioner Holaday asked if, in regard to TIF, it was only people in that particular community to pay for the improvements. Mr. Gagne replied that the County would designate the TIF areas. This isn't cash out-of-pocket; the County would float a bond issue in a fiscally responsible way, so that district, over the increased tax increments, pays back the improvement over a period of time (twenty to thirty years).

Commissioner Petro asked if that meant land taxes, to which Mr. Gagne replied yes, for the improvement properties would have to pay (those designated on the map). This would be done with the approval of a TIF board that would designate an improved area. It's an easy way to do it over a period of time.

Vice-Chair McLaughlin said it's similar to the development authority in Wailuku, and asked if a Charter provision is required to enable this, or if it should be by an ordinance. Mr. Gagne believes it should be done by ordinance, but the issue in Wailuku is really known as a "pay as you go" TIF (it's done privately for a private group of people). The TIF Mr. Gagne is referring to is done for a public purpose. Its defining moment is if you can answer the question: "would this project be possible but for TIF?" If it can be privately developed, then the project can't happen. If the answer is no, then it's a likely candidate.

When asked if this could happen without a Charter change, Mr. Gagne replied that yes it can, but for some reason it isn't. Vice-Chair McLaughlin tried to clarify whether or not this was appropriate as a Charter question. Mr. Gagne said that he was just looking at this as an overall planning issue and trying to involve the community. Vice-Chair McLaughlin then asked if Mr. Gagne had any recommendations for the new public testimony process (he didn't), then said any recommendations for improving public input and the methodology for public engagement would be very well received and considered.

MR. DANIEL GRANTHAM, SIERRA CLUB CO-CHAIR

Speaking for his organization, Mr. Grantham offered the following comments:

- 1) Community plans should have the force of law; they should be in writing twice.
- 2) The Sierra Club supports the Mayor's 1% plan for land acquisition.

Mr. Grantham continued by speaking for himself as an individual:

- 1) He disagrees with the three-year term for Council members; he wants the two-year term to continue.
- 2) In reference to Vice-Chair McLaughlin's question regarding how to improve the planning input process, Mr. Grantham said to demystify the process. Include education of board and commission members, and the public in general. Include outreach formally set up.
- 3) The blocking of beaches should be very heavily taxed, and the money should be applied to acquiring access and preserving real open space.

Mr. Grantham has more but he'll come back later.

MS. JOCELYN PERREIRA, TRI-ISLE MAIN STREET PROGRAM COORDINATOR

Voicing the opinion of her professional capacity (which represents Wailuku, Pa'ia, Makawao, Kaunakakai, and a few others) first, Ms. Perreira presented the following comments:

- 1) We need efficiency in government and stability in the County Council. To keep good people you have to pay them well and offer some kind of job security. Four-year terms would be beneficial, but she disagrees with three terms. She recommends having a provision for a very good legislator, someone that is very responsive to the people and is deserving of a third term (51% of the vote for the two terms that they were elected).
- 2) Regarding the CAC appointing method, diversity reflects the community, so the administration and the Council should continue to select the people to serve. That should also happen on the Commission. The new rule of sixty days to put together a plan is unrealistic; keep people that have intimate knowledge of the community on hand longer.
- 3) The cycle of the planning process is grueling. Do the general plan, then take on a community plan with a time limit. Have a schedule of when each community would be dealt with.
- 4) She supports the new public testimony process. Allow a broad group of people so you're not hearing the same voices every time in a public realm.

Vice-Chair McLaughlin needed clarification on the CAC appointing method and whether or not Ms. Perreira recommended that for other boards and commissions as well. She does, because certain plans get stuck when the administration changes over. If you have Council participation

in appointees, you're not stuck in a politically appointed process, and it is killing some important community efforts.

Speaking as an individual, Ms. Perreira said:

- 1) While the CAC processors should be respected and upheld, she doesn't think they should become demigods in their communities because they've been involved in the process. They're not elected officials and don't have the same levels of accountability. They are volunteers.
- 2) The balance of decision-making power between the legislative and the administrative bodies should be shared.
- 3) Council members deserve a four-year term, but she doesn't necessarily approve of three terms because if someone is problematic, it's hard to get them out. Furthermore, there is the problem with the Mayor, who has two four-year terms.
- 4) Don't disband CAC members; they can lobby further plans. Meet every three years thereafter to see how it was implemented or violated.
- 5) Having a planning prosecutor is a good idea to ensure compliance, but some people get carried away, so that would be very objectionable.
- 6) Something needs to be put in the Charter about the water situation. Those holding water meters need to develop their property within three years, or that meter will become available to the next person on the waiting list.
- 7) Ms. Perreira recommends a process for public testimony so people can avoid any intimidation, humiliation, and retaliation tactics that they may be subjected to if they express an unpopular view in a hearing. It's not fair that the quieter people succumb to revolutionary tactics; a person's good intentions are made to sound horribly evil, and it creates divisions between people in our community. She suggests making it possible for people to call in their votes: it's private; find a way to allow each phone number to vote only once; and this would be a way to let people speak from the heart without fear.

Commissioner Petro questioned Ms. Perreira's suggestion that there should be a process whereby the people on the CAC are not the almighty. There should be a process of some review by the Council of what they are doing. Ms. Perreira said the CAC is scrutinized by the public. If you have a pro-development Council and administration that appoints all people, their opinions will be held in high regard, but they have a responsibility to have a rationale for their votes. It's important to have a balance! They need to go with the consensus of the community.

Commissioner Holaday wondered how the loss of a water meter or the down zoning of property would be compensated, or is Ms. Perreira was proposing "tough luck" in both cases. Ms. Perreira responded that corporations need to take another look at people's rights. Ms. Perreira said developers get a whole block of water meters, and sometimes they use it just for speculation. If there is an intention to build, do so, but in a timely manner.

Ms. DeNaie answered the other part of Commissioner Holaday's question about what happens if there's a trigger in the planning process that leads to looking at down zoning in some areas. A lot of communities that have dealt with this do it through a purchase agreement; they have created agricultural farmland trusts; bought out development rights to keep property the people felt was appropriate to down zone; and they're also looking at some conservation lands.

Commissioner Holaday clarified that what he was trying to determine is with nine community plans in our county, if there is a down zoning issue in each of them, how do you propose who becomes #1 and #9 on the list? Ms. DeNaie replied that of course they're not all going to

happen the same year, so what has happened in other places is that part of the process is identifying and creating the transition process. Rather than having a community plan with a wish list, define a way to pay for open space. Our county's growing up, so we need to start traveling that road.

Commissioner Fuhrmann asked if the 51% suggestion would be moot due to the new non-partisan system. Ms. Perreira said it was just a recommendation; she doesn't have all the answers, she just tried to think of something that might help, and that was one way. She called Mr. Mayer to return and complete his testimony.

MR. RICHARD MAYER, MAUI ASSOCIATION OF UPCOUNTRY COMMUNITY ASSOCIATIONS

Mr. Mayer picked up where he left off, at #9 of his twenty suggestions (please see attachment). He then referred to the issue of where the money's going to come from to down zone. He recommended considering using money that is earned by the developer or landowner when they up zone. Find the funds; set up that mechanism. Mr. Mayer then proceeded to share the rest of his recommendations.

Commissioner Fuhrmann asked that with something so comprehensive, would Mr. Mayer be available when the Commission deliberates; he will. He said what he just shared was basically the same thing that the Community Association suggested to Council member Charmaine Tavares. The Commission should sit with her, and ask for their recommendations.

Chair Venci thanked Mr. Mayer and said that it is her intent when the Commission begins deliberations to invite people with expertise in these fields in to help. The Commission sent a letter to all Council members and County departments, requesting their recommendations.

Chair Venci called Mr. Grantham back up. He reiterated his support for a funding mechanism for the county to be able to buy precious pieces of the island before they're lost to private development (referred to Palaua). Mr. Grantham also asked that as a funding source, to consider the impacts of development. There's been a traffic impact fee ordinance on the book for thirteen years, but there've never been any fees put into it. We don't know what to charge, so instead we end up with a tremendous traffic problem, which also impedes further development. Look at deeper impacts, the ones that hit you in the heart. When you lose the beauty of life on this island, it's an impact that can be measured in dollars. What would it cost to buy a beach? What would it cost to buy a view? Once an area is developed, how do you get that back? There are a lot of places that "used to be nice," and he hopes Maui doesn't become one.

Chair Venci called up latecomer Christine Hemming.

MS. CHRISTINE HEMMING

- 1) Ms. Hemming claims that County Council Services bought \$15,000 software for county meetings to be held on the internet to allow people to type in and be a part of the process. Although the County bought it, Council Services has never put it into action. It's sitting on a shelf. Council Services needs to be more interactive with the community and open up access.
- 2) She believes that the voting initiative for important things like acquiring a park, putting in lights on Mokulele Highway, major issues that people can create a petition for should be allowed to go on the voting ballot to be democratically approved or disapproved.

- 3) Everybody on the Planning Commission and the Water Board should be voted in. The Planning and Parks Directors should also be voted in, and not just appointed by the Mayor.
- 4) There should be no waivers for any shoreline properties at all; they should have to go through all the steps specific for a shoreline management area, and not like Baldwin Beach thing.
- 5) The Water Board should have to tell us what is in the water (all the additives and chemicals); they should be a little bit more restricted.
- 6) All prime ag land should be left as prime ag land. There should be more restrictions around developing ag land.
- 7) Community plan should be upheld as law, and zoning should be in place concurrently. Leave it up to the voters.
- 8) An impact fee should be held on any subdivision with more than six houses. Add our total impact fees: roads, sewers, water, schools, and electrical infrastructure; the impact fee should be spread out.
- 9) When directors violate the law, they should be removed so that would be under the ethical standard.
- 10) Parks should be enforced.

Hopefully, the Commission will do some good things that will help the County, and deal with influx of population as the world population is growing. We need to do something.

Vice-Chair McLaughlin asked whether the interactive Council Services she describes was real media software for streaming of that coverage on the internet? She replied that a computer tech friend of hers who worked at Council Services told her about it. People would be able to log on to "Maui County Council" and type in testimony that you wanted someone to read. Ms. Hemming claims that the County Council doesn't want to use it because they want to control things. Don't know why they're not using it.

Vice-Chair McLaughlin encouraged Ms. Hemming to share specific recommendations for how to improve the interactivity or the process to make it more user-friendly. Ms. Hemming replied that she'd try to work on that.

For clarity, Chair Venci asked if Ms. Hemming said the Director of Planning and Parks should be elected; the answer was yes.

Commissioner Hiraga addressed Ms. Hemming regarding her statement that the community plan should be law. As a follow up to that, did she say that zoning should immediately follow? Ms. Hemming said zoning should be concurrent with the community plan. Once the community plan is adopted, Commissioner Hiraga asked, would the zoning be automatically changed? Ms. Hemming replied that she doesn't know how that would work because she's not a lawyer, planner, or accountant. The community plan should go on the ballot so people could vote on whether or not to float a bond to pay for it.

Ms. Perreira wanted to make a comment on community associations. You have to be very careful with power. Community associations should have mandated requirements to prevent "pop up overnight" associations. There are certain criteria and requirements in order to be recognized as a community association. We should have fair and equal access or we're creating a disparity. We need to develop a process in which everybody can participate with their comments for our legislators to consider. She accepts the challenge to take this to the communities to try to give the Commission a recommendation on what we can realistically do to create more public participation and more fair, equitable access.

Commissioner Fuhrmann wants the criteria. Ms. Perreira will get it to the Commission.

Mr. Mayer said the Commission would be looking at neighborhood boards on O`ahu as one way of establishing an elective process to select leadership that is very public and very open. He agrees with Ms. Perreira. Chair Vencel replied that all commissioners received an invitation to the Council to a Planning Committee meeting, where they'll be holding a discussion on neighborhood boards.

Commissioner Holaday referred to article 9.2 regarding the budget. He said to make sure the County has enough time to see the State's budget before the March 15 delay.

Ms. DeNaie wanted to clarify that it would be wonderful to have tech support (access to tech reports and county staff things); and we need to look at community association standards.

MR. DAVID CRADDICK

Mr. Craddick discussed the following issues:

- 1) Regarding the Water Quality Report, they can't test for everything, but they do follow EPA standards.
- 2) OM Water Department CIP is coordinated with community plans. He very rarely gets comments that it doesn't meet the community plan.
- 3) No meters; if you allow the Board of Water Supply to change, then there'll be enough water.

Commissioner Mossman asked whether the Water Department incorporates CAC plans.

Commissioner Bagoyo replied that one of the things required under the state water code is that each county develops the Water Use and Development Plan. It's basically an allocation of water within the different districts. Lana`i completed it, including the forest stewardship plan, which is supposed to be incorporated into the whole planning process. Community plan districts are a good vehicle for the community to participate in developing that Water Use and Development Plan, because it allows everyone to look at what the priorities are in each community. They went through it on Lana`i, and it works very well. The Lana`i Water Advisory Committee, which comprises the pros and cons of things, really worked well. They debated the issues and came up with a consensus that's good for the community. He encouraged talking it to the Water Department because they are required to develop the Water Use and Development Plan; it has to be approved by the County Council by ordinance. It's important to do that.

Regarding the different districts of water, Mr. Mayer said that we need to incorporate all areas.

Mr. Craddick discussed the Water Use and Development Plan on Lana`i, which was started in 1994 and is just now being finished. It was a good process because it involved the consensus of the community and the Water Advisory Panel. Here's the problem: we don't have any customers on Lana`i. They spent a lot of money getting that portion of the plan in there. By ordinance, the Water Board is required to provide this water use and development plan, with no funds to do it, and on private water systems. It's not a bad way to do it; it's probably good to have the Water Department in charge of it, because there are people that are knowledgeable about the various water systems, but to expect simply because you're a water customer that you have to fund Lana`i's Water Use and Development Plan, is somehow the same thing as the ag issue we were talking about at the last meeting.

Following up on Ms. Perreira's comment, Commissioner Bagoyo asked Mr. Craddick if we still had the Kula rule. He replied that we do not; the family subdivision is a separate rule; we still have that. It has nothing to do with the Kula rule. The family subdivision is one that allows the subdivision to go forward without the required water improvements.

Mr. Craddick said their rules require that the system be adequate to add on new load. Just before the Kula rule, they did not have that adequacy, so they were going to restrict the entire system until they had an adequate supply of water.

Commissioner Bagoyo said that the lack of water is not the issue; the real issue is what kind of growth and development you want in your community, and how to bring water into that community.

CONCLUSION

Chair Venci thanked everyone for coming, and for their comments. They will be taken back and taken to heart. The Commission may call upon some people for clarification. <applause>

The meeting was adjourned at approximately 9:00 p.m.



Ke'ala Pasco, Charter Commission Assistant