

MINUTES
FEBRUARY 19, 2026

The regular meeting of the Board of Water Supply was held online via Microsoft Teams and at the Department of Water Supply Conference Room. Video recordings of previous meetings are viewable on the Board's website, and at <https://www.akaku.org/boards-commissions/>.

I. CALL TO ORDER

The meeting was called to order by Chair Donna Sterling at 1:30 p.m.

II. ROLL CALL

Present: Chair Donna Sterling, Vice Chair Ekolu Lindsey, Juanita Reyher-Colon, John Helly, Paele Kiakona, Nichole Inouye-Nohara, Jake Musson

Excused: Jeffrey Borge, Tina Boteilho

Staff: John Stufflebean, Director; Yukari Murakami, Deputy Corporation Counsel; Sherilyn Otsubo, Board Secretary

III. APPROVAL OF MINUTES – January 15, 2026

Member Reyher-Colon made a motion to approve the minutes. Member Kiakona seconded the motion. The motion passed with 6 ayes. Vice Chair Lindsey abstained.

IV. PUBLIC TESTIMONY ON ANY AGENDA ITEM

Leilani Pulmano, Pacific Rim Land, testified in support of Bill 1. She has processed several subdivisions and is familiar with the processing requirements. She assured the board that Bill 1 still requires the developers to show the water in order to get their subdivision approved. This bill would allow for concurrent subdivision construction plan processing while you prove that you have a long-term reliable source of water. You will not be able to get your final subdivision approved without showing the water. Bill 1 allows for streamlining processing time during the subdivision construction plan process. In their recent lived experience, this bill would potentially save developers four to ten months of processing time.

Member Helly asked Ms. Pulmano to describe the process you go through when submitting subdivision plans.

Ms. Pulmano responded that for the subdivision process, you would first submit a subdivision plat, and the Department of Public Works would accept that preliminary subdivision plat. It takes 45 days for them to review the plat, and as part of that review, they send it out for comments from the various agencies involved, DWS, Wastewater, Planning, Housing, MECo, Department of Health, etc. As part of that preliminary plat, these agencies would provide you with a list of conditions in order for you to get your final subdivision plat approved, in particular for the Department of Water Supply, which has two typical conditions. One is to provide a long-term reliable water source, and the second is to get approval for your construction plans. After you have met all the conditions, then you would get approval from all of the agencies on your construction plans, and then you would move to submit your final subdivision plat. And then this final subdivision plat goes out to the agencies again for final review. After you've met all of the agencies standards, you would get the final approval from the Department of Public Works.

Vice Chair Lindsey said he did his best to understand the bill. The fear is that the Show Me the Water process, at the end, will be a problem since the developer had gone through the whole process, spent all that money, and all of a sudden there's not enough water for that subdivision. There might be some pressures that may become involved that would force this development through, even without that water. He asked Ms. Pulmano for her comments on this.

Ms. Pulmano replied that as a developer, they would want to have some sort of certainty of a long-term reliable source before spending a lot of money to hire an engineer to design a subdivision.

Vice Chair Lindsey said he's in favor of streamlining things, but he's hesitant about the unintended consequences that can happen from doing things in duality.

Member Helly asked what is it about the Department of Water Supply that stands out from all the agencies as being an obstruction in the review process which warrants this kind of modification to the code?

Ms. Pulmano said she wouldn't characterize it as an obstruction, but more so the process that happens as outlined by the code. It will help streamline the review process.

Member Helly asked why you wouldn't eliminate it for all the departments?

Ms. Pulmano replied that the other departments don't have a Show Me the Water ordinance, but there may be other things that can be proposed for the other agencies that would help streamline their process as well. This particular bill focuses on Show Me the Water ordinance.

Member Helly asked if the whole thing focuses on the Show Me the Water?

Ms. Pulmano replied that it does for this particular bill.

Testimony at the beginning of the meeting was closed at 1:47 p.m.

V. UNFINISHED BUSINESS

A. Monthly updates from the East Maui Regional Community Board.

Chair Sterling deferred this item.

B. Department of Water Supply's Fiscal Year 2027 Budget, including Rates and Fees.

Director Stufflebean commented that a summary of the budget was presented at the last meeting, and the Rates and Fees is the last section of the department's budget that the board needs to review.

There were no testifiers and testimony was closed at 2:00 p.m.

Member Reyher-Colon asked if the director can point out what changes were made in the rate structure.

James Jensen, Engineering Program Manager, said they used to have a rate schedule that showed a cost for every meter size. Due to the shift toward the equivalent single dwelling methodology, those fees are now being pulled out of meter size and they're now focusing on the projected demand of the use. An equivalent single dwelling is a unit of measurement which is equal to 300 gallons per day. The fees are going up to the point where the department will be phasing them in over the next three years to get the fees to where they should be. Those fees are commensurate with the cost of this infrastructure development. The land uses that will be hit the hardest will be multi-family because as those meter sizes go up, the hydraulic capability of the meter goes up and you're able to accurately measure many more dwellings that are actually being paid for based on the old fee structure.

They're also introducing four completely new development review fees, and that's because right now, if anyone applies for anything, the cost for staff to do its review is borne by the rate payers, and they want to shift that to a concentrated cost for the applicant.

Director Stufflebean summed it up by saying the three things that this change accomplishes: 1) it gets them away from the fixture unit methodology; 2) it more equitably and accurately predicts water use for the various applicants; and 3) it shifts the cost from the users of the system back to the new developments, who are the ones actually benefiting directly from the new connection.

The equivalent methodology only applies to those who are applying for a new source for new connections. If it's just the user fee, they're not changing the methodology or the framework for basic user fees.

In reference to the letter from Ortaine Acidera, Member Helly asked how a tax class bears on the volume in terms of how the billing is calculated.

Director Stufflebean said the tax class is the basis for the unit cost. If you're a general nonresidential customer, you pay the general fee. If your tax code is the hotel/resort classification, then you are billed on the hotel/resort rate, which is higher.

Vice Chair Lindsey asked if there are instances where you have hotel or multi-family classification, but there's a single-family property on the property. Is the single-family charged that zoning rate?

Director Stufflebean and Mark Pigao, Assistant Fiscal Officer, said they would need to follow up.

Member Helly replied that the zoning determines how the land could be used. The tax classification determines how the land is used. So for property tax basis, you pay for the tax classification, which is the way the land is used, and that's what's applied in the billing.

C. Councilmember Tamara Paltin's proposed bill on Fire Code References.

Director Stufflebean said the department's comments have been distributed and he can answer questions.

There were no testifiers and testimony was closed at 2:10 p.m.

Member Helly said that there was an impression left from the last meeting that this bill had to do with the Fire Department, when in fact it has to do with the Water Department. These changes are pro forma changes that were tasked as an editing task to someone who isn't particularly familiar with the impacts of them, and it overlaps the efforts from a code point of view, with modernization efforts that are already underway by the two departments. He heard that the passage of this bill would lead to a lot of Council's time and administrative effort to change the codes, when in fact the better application of those efforts and costs should be in supporting the outcome of the joint departmental effort to modernize the codes, which would make this bill irrelevant. His recommendation would be that this bill does not move forward because it's a wasteful administrative effort, but rather that support of the Council should be offered to the interdepartmental effort.

Member Reyher-Colon said that after looking at the proposed bill and the department's comments, she would like the board to support the efforts that are being put forth by the Water and Fire Departments as they know what's best with what needs to be cleaned up in the ordinance.

Member Reyher-Colon made a motion to support the interdepartmental work to update the fire code language.

Member Helly seconded the motion for discussion.

Vice Chair Lindsey wants to support this moving forward but is still a little confused about the bill and asked if Corporation Counsel can give a quick synopsis.

James Jensen replied that this bill that was proposed by Councilmember Paltin is a piece of reconciliation that is overdue. When DWS reviews plans, there are certain triggers for fire flow and they use a guideline that's published and updated regularly by the Insurance Services Office. The Fire Prevention Bureau uses a guideline called NFPA One. These two guidelines speak the same language, but there are nooks and crannies to them where they're not aligned. The two departments are working together and looking at all the areas within their code to see where they can make general changes and updates to each of their codes to make them align better.

Member Kiakona wants to be cautious of the many older neighborhoods that were built without fire code in mind. He supports this bill but he would like to have some leniency in those areas because they weren't built to current code.

Mr. Jensen responded that this won't be an issue in Lahaina because they have a very substantial design build contract underway to implement fire flow improvements to the Lahaina system.

Director Stufflebean said they finished the hydraulic model, they've identified pipes that need to be upsized throughout the county, and they have a project underway to upsize some of the pipes in Lahaina. However, he emphasized that this has zero impact on the fire and what happened during the fire.

Member Kiakona said he wasn't trying to make this about Lahaina, rather he used Lahaina as an example because many people are rebuilding and they're experiencing difficulties with fire codes, environmental laws, shoreline setbacks, etc. that were not in place when those homes were initially built.

Chair Sterling called for the vote. The motion passed unanimously with 7 ayes.

Member Kiakona made a motion to allow Chair Sterling to draft a letter with the board member's comments.

Member Helly seconded the motion. The motion passed unanimously.

VI. OTHER BUSINESS

A. Discussion of Bill 1 (2026), Amending the Water Availability Policy on Subdivision Construction Plans.

Director Stufflebean said their comments were submitted and he is available for questions.

There were no testifiers and testimony was closed at 2:34 p.m.

Member Helly said he asked for this to be agendized because he wanted the department to explain their current review process and how this bill would affect it, in particular because in a previous meeting, Director Blystone and Ms. Blumenstein presented different aspects of the planning process in terms of how permitting gets done, and there was no reference to this part of the planning process.

Secondly, in Section 2 of the bill, there are many ambiguities in the language that raises the question of what's driving these changes? There is language in this bill which overrides the director's discretion, which is needless if it's just a streamlining effort. There are other implications of the language that suggest that once a subdivision proposal is through the Department of Water Supply's process, that the department has very little discretion in whether it can agree or disagree with what's going on. Once the review is concluded, the appellant would now have a legal basis for claiming injury if the final plans are not approved. There is a lot lurking here that is either intentionally being not discussed or is, through ignorance, not being discussed.

James Jensen said that after reviewing the bill, their feedback was to make sure the language was clear and was not in any way a guarantee of water availability. They understand this bill to be a mechanism to overlap the review processes, thereby saving time. However, it is at risk, and its water is not available when those plans are approved, then water is not available.

Member Helly asked how this would change the planning process.

Mr. Jensen said this doesn't change the planning process, it simply allows the engineering division to review construction documents earlier in the process, and the day after water availability is confirmed, DWS can sign the plans.

Member Reyher-Colon confirmed that the 45-calendar day is just for construction review, and the Show Me the Water is outside of the 45-days.

Vice Chair Lindsey said he supports this but he wants to ensure that the Show Me the Water doesn't go away and there's no political pressure.

Member Helly stated that he doesn't see the argument about streamlining. If there's a parallel process of review by multiple departments, how does changing one department's review cut down on this huge amount of time?

Member Kiakona asked if this bill implies that DWS can review the plans prior to securing water, but doesn't allow them to begin construction?

Mr. Jensen said he doesn't know if there's a mechanism for construction prior to plat recordation.

Member Kiakona said he can see a loophole if you're updating the fire code because once you have a specific amount of dwellings close enough in an area, you are required to supply water to those places.

Member Helly stated that during the WAI committee meeting they were going to do a legal review of a conflict this bill presents to the community plan and this may be illegal. He still doesn't understand the review process of DWS and how this bill will change it, what authority it removes from the director, what it requires the department to do regardless of whether or not the contractor has met the requirements. The language of the proposed bill says the department has to approve the plans as long as the contractor has met the technical requirements, but what does that mean? There's just a push by developers to make their lives easier to get past some of the review processes that they find problematic which, by the admission of the testifier, focuses on water availability.

Member Helly reiterated his request that the department give a presentation of their current review process and how this review process factors in how this bill would change it and why changing it would save time without additional unacceptable risk of changing the legal obligation of the county to the developers in the process. He requested that there be an agenda item that focuses on what the department does and not so much about what the maker of this bill is trying to accomplish.

Member Kiakona agreed that the board should defer this bill until the department does their presentation and then have the maker of the bill explain their reasons.

Member Helly made a motion to have the Chair draft a letter stating that the board will defer action until they have received more information from the department as well as from the maker of the bill.

Member Reyher-Colon seconded the motion. The motion passed unanimously.

B. Recognizing outgoing member Juanita Reyher-Colon.

Chair Sterling read Resolution 26-02.

Member Reyher-Colon thanked the board for this recognition and said it has been a pleasure serving on this board and an honor serving her community.

There were no testifiers and testimony was closed at 3:12 p.m.

The other board members said their mahalos.

VII. DEPARTMENT REPORTS

Director Stufflebean said the reports were distributed and asked for questions or comments.

There were no testifiers and testimony was closed at 3:18 p.m.

There were no questions from the board members.

VIII. CORRESPONDENCE

A. Letter from N&K, CPAs, Inc. dated January 13, 2026.

B. Letter from Colleen Pau dated January 30, 2025.

C. Email from Monique Zarfes dated January 31, 2026.

Chair Sterling acknowledged that correspondence was received on the dates mentioned on the agenda.

IX. ANNOUNCEMENTS

A. Department of Water Supply Community Open House

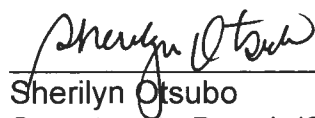
X. NEXT MEETING DATE

Board Meeting: March 19, 2026 at 1:30 p.m.

XI. ADJOURNMENT

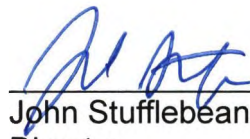
There being no further business, the board meeting was adjourned at 3:22 p.m.

Prepared by:



Sherilyn Otsubo
Secretary to Boards/Commissions

Approved for distribution:



John Stufflebean, P.E.
Director