

BOARD OF WATER SUPPLY of the COUNTY OF KAUA'I

REGULAR MEETING

Second Floor, Microbiology Lab Bldg
Kaua'i County Department of Water
4398 Pua Loke Street, Līhu'e, Kaua'i, Hawai'i 96766

THURSDAY, AUGUST 14, 2008

9:05 a.m.

or thereabouts

A. CALL TO ORDER

B. ROLL CALL

C. ACCEPTANCE OF AGENDA

D. MEETING MINUTES:

1. Regular Meeting: July 15, 2008
2. Special Meeting: July 29, 2008

E. CORRESPONDENCE/ANNOUNCEMENTS

1. Office of Information Practices – Request for Opinion on Whether a Task Panel Created by Resolution of the Honolulu City Council is a “Board” Subject to the Sunshine Law

F. OLD BUSINESS

1. Status Report from Kukui'ula Development Company (Hawai'i) LLC on their Projects: 1) Subdivision Y Cottages, S-2005-25, TMK: (4) 2-6-016: 016 thru 088; and, 2) Subdivision Y Custom Home Sites, S-2005-25; and, 3) Subdivision M1/M4 Custom Home Sites, S-2005-21, Kukui'ula, Development, Kukui'ula, Kaua'i, Hawai'i
2. Status Report from Grove Farm on the Completion of the Puhi 393' Booster Pump Station
3. Request Board Approval to Clarify the Motion made at the December 13, 2007 Board Meeting for Agenda Item: “Revised Appeal to November 20, 2007 Agenda Item – Update Report on November 20, 2007 Agenda Item on the Request to Testify by Benjamin Garfinkle Regarding DOW Conditions of Tentative Subdivision Approval for Boundary Adjustment (Consolidation and Re-subdivision), TMK Nos. (4) 4-2-03:12, 65 and 66”

BOARD OF WATER SUPPLY
REGULAR MEETING
Thursday, August 14, 2008

F. OLD BUSINESS (cont'd)

4. Request Board Approval for Reconsideration and Clarification of the Motion Made at the July 15, 2008 Board Meeting on Agenda Item: Testify by A & B Properties, Inc. for a Request for Water Service, 'Ele'ele Industrial Park Subdivision, TMK: 2-1-02:051 and Eleele Residential Development Site, TMK: 2-1-02:Portion 003, 'Ele'ele, Koloa, Kaua'i, Hawai'i
5. Request Board Approval of Job No. 04-02, WK-14, Pipeline Replacement for Vivian Heights and Kanaele Road for Phase II Implementation and Additional 2,500 feet of 8-inch Waterline along Kanaele Road, Kapaā, Kauai, Second Contract Amendment with Fukunaga and Associates
6. Request Board Approval of a Fourth Contract Amendment for the Automated Meter Reading (AMR) Implementation for the Department of Water, County of Kauai
7. Request Board Approval for Additional Funding for the Purchase of Two (2) Small Drilling Machines and Attachments
8. Request Board Approval of Contract Amendment for Job No. 98-2 (KP-07 & KP-08), 16-Inch Waterline Replacement along Poipu Road, Koloa, Kauai, Hawai'i
9. Request Board Approval of Contract Amendments with Fukunaga and Associates for Job No. 02-18, WK-32, Waterline along Pipeline Replacements (Kaehulua Road), Kapaa Homesteads for Phase II Implementation, Kapaā, Kauai
10. Request Board Approval for Additional Funding for Contract 474 for Special Counsel to Provide Advice, Counsel, and/or Representation in Civil Matters in the Court System including, but not limited to Administrative Law, Personnel Law, Labor and Employment Law
11. Discussion, deliberation and decision-making or action regarding steps, actions, procedures and processes necessary to select a new Manager and Chief Engineer for the Kauai Water Department

G. NEW BUSINESS

1. Request to Testify by Eleanor M. Cox for Subdivision of Lot 37-D, Portion of the Consolidation of Portion of Grant 11224 (Abandoned Railroad Right of Way), Lot 37, Grant 6226, and Lot 38, Grant 6216, into Lot 37-D-1 and Lot 37-D-2, S-2005-26, TMK: (4) 2-7-05: 28, 'Oma'o, Kaua'i, Hawai'i

NOTE: Special Accommodations for persons with disabilities are available upon request five (5) days prior to the meeting date. Please call the Department of Water, County of Kaua'i, at 245-5408 or drop by at 4398 Pua Loke Street, Līhu'e, Kauai. Our mailing address is P. O. Box 1706, Līhu'e, HI 96766.

BOARD OF WATER SUPPLY
REGULAR MEETING
Thursday, August 14, 2008

G. NEW BUSINESS (cont'd)

11. Request Board Approval of a Right of Entry Agreement for Job No. 02-24 (WK-02), Renovations to Akulikuli Tunnel, from Kenji Yamashiro, Trustee of the Kenji Yamashiro Revocable Living Trust dated June 25, 1993; Take Yamashiro and Mervilyn K. Yamashiro, Trustees of the Take Yamashiro and Mervilyn K. Yamashiro Self-Trusteed Trust dated September 12, 2000; and Sue Ann Takata, Trustee of the Sue Ann Takata Self-Trusteed Revocable Trust under unrecorded trust agreement dated April 29, 1996, as amended; TMK: (4) 4-6-04:020, Kapaa, Kauai, Hawaii

H. REPORTS

1. Statement of Kaua'i County Water Department's Revenues and Expenditures
2. Report by the Public Relations Specialist on a Monthly Update Regarding DOW Public Relation Activities
3. Acting Chief of Operations' Summary Report on the Monthly Operational Maintenance Agreement
4. Manager's Monthly Update Regarding Activities of Note of the Kaua'i County Water Department
5. Report of the Finance Committee of the Kaua'i County Board of Water Supply
6. Report of the Rules Committee of the Kaua'i County Board of Water Supply
7. Report of the Sub-Committee of the Whole Committee of the Kaua'i County Board of Water Supply

I. STRATEGIC AND BUSINESS PLAN AND NEEDS ASSESSMENT

1. Updates on the Kaua'i Water Department for their Strategic and Business Plan and Water Plan 2020 Program Sustainability Services
 - a. Update of Strategic Goals and Implementation Status Report from the Issue Champions
 - b. Affordable Housing
 - c. Water Plan 2020 Program Sustainability Service
 - i. Report by Tom Jacobs and Ann Hajnosz of RW Beck

BOARD OF WATER SUPPLY
REGULAR MEETING
Thursday, August 14, 2008

J. EXECUTIVE SESSION:

Pursuant to H.R.S. §92-7(a), the Commission may, when deemed necessary, hold an executive session on any agenda item without written public notice if the executive session was not anticipated in advance. Any such executive session shall be held pursuant to H.R.S. §92-4 and shall be limited to those items described in H.R.S. §92-5(a).

1. Review of Executive Session Minutes:
 - a. Regular Meeting:
 - Thursday, June 5, 2008, Part 1 & 2
 - b. Regular Meeting:
 - Tuesday, July 15, 2008, Part 1 & 2
 - b. Special Meeting:
 - Tuesday, July 29, 2008, Part 1 & 2

OLD BUSINESS:

2. ES-2008-4 (5-8-08) - Pursuant to Haw. Rev. Stat. Sections 92-4 and 92-5(a)(4), the purpose of this executive session is to consult with legal counsel and department staff regarding Benjamin Garfinkle's request for Board Approval to Clarify the Motion made at the December 13, 2007 Board for Agenda Item: "Revised Appeal to November 20, 2007 Agenda Item- Benjamin Garfinkle Regarding DOW Conditions of Tentative Subdivision Approval for Boundary Adjustment (Consolidation and Re-Subdivision), TMK (4) 4-2-03:12, 65 and 66. This consultation involves consideration of the powers, duties, privileges, immunities and/or liabilities of the Board and the County as they relate to this agenda item.
3. ES-2008-5 - Request Board Approval for Reconsideration and Clarification of the Motion Made at the July 15, 2008 Board Meeting on Agenda Item: Testify by A & B Properties, Inc. for a Request for Water Service, 'Ele'ele Industrial Park Subdivision, TMK: 2-1-02:051 and Eleele Residential Development Site, TMK: 2-1-02:003, Portion, 'Ele'ele, Koloa, Kaua'i, Hawai'i
4. ES-2007 (12-13-07, 2-14-08 & 7-15-08) - Pursuant to Haw. Rev. Stat. Sections 92-4 and 92-5(a)(4), the purpose of this executive session is to consult with Legal Counsel regarding questions and issues pertaining to the Board's and Department of Water's liabilities, powers and duties regarding personnel, labor and employment issues. This consultation involves consideration of the powers, duties, privileges, immunities and/or liabilities of the Board and the County as they relate to this agenda item.

BOARD OF WATER SUPPLY
REGULAR MEETING
Thursday, August 14, 2008

J. EXECUTIVE SESSION (cont'd)

5. ES-2008-8 (6-5-08, 7-15-08, & 7-29-08)— Pursuant to Hawaii Revised Statutes Sections 92-4 and 92-5(a)(2), (4), (6) and (8), one of the purposes of this executive session is to consider matters that require confidentiality under state law, to wit, to meet with the Board's legal counsel with regard to the Board's powers, duties, privileges and immunities and/or liabilities, claims and/or potential claims, as such powers, duties, privileges and immunities and/or liabilities, claims and/or potential claims as they relate to the selection of an individual to be given supervisory and/or managerial and/or developmental and/or consultation duties over the Kauai Department of Water and/or the Kaua'i Department of Water's Water Plan 2020. The further purpose of this executive session is to meet with the Board's legal counsel on questions and issues relating to the Board's powers, duties, privileges and immunities and/or liabilities, claims and/or potential claims, as such powers, duties, privileges and immunities and/or liabilities, claims and/or potential claims, as they relate to the foregoing and to take such action as the Board deems appropriate.

K. ADJOURNMENT

NOTE: Special Accommodations for persons with disabilities are available upon request five (5) days prior to the meeting date. Please call the Department of Water, County of Kaua'i, at 245-5408 or drop by at 4398 Pua Loke Street, Līhu'e, Kauai. Our mailing address is P. O. Box 1706, Līhu'e, HI 96766.