

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, Lihu'e, Kaua'i, Hawai'i 96766

THURSDAY, DECEMBER 11, 2008

10:05 a.m.

or thereabouts

A. CALL TO ORDER

B. ROLL CALL

C. ACCEPTANCE OF AGENDA

D. MEETING MINUTES: Regular Meeting - November 13, 2008

E. CORRESPONDENCE/ANNOUNCEMENTS

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. Request Reconsideration of the Board's Approval of the Private Water System Agreement for a Waiver, Release and Indemnity Agreement for a Private Water System, TMK: 4-2-03:012; 65 and 66, Opaekaa Falls Subdivision (S-2006-47), Situated at Wailua Homesteads, Wailua, Kauai
3. Request to Testify by Judy Ta'afuli Webb for the Niumalu Paradise Condominium Association by the Developer Niumalu/Nawiliwili Community Planning Project, TMK: 3-2-03:58, Units 1 thru 13, Niumalu, Lihu'e, Kaua'i
4. 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
5. Board Discussion on Setting 2009 Goals

BOARD OF WATER SUPPLY
REGULAR MEETING
Thursday, December 11, 2008

G. NEW BUSINESS

1. Request to Testify by George Hoffberg for a Private Water System for Subdivision of Parcel 4 into Lots 1 through 11 (S-2006-44), TMK: 4-3-03:004, Being a Portion of Royal Patent 7375, L.C. Award 8559-B, Apana 42 to W.C. Lunalilo, Situated at Waipouli, Kawaihau, Kaua'i, Hawai'i
2. Request Board Approval of Job No. 05-03, WK-25, Kapilimao 0.5 Million Gallon Tank and Job No. 03-03, Hardening of Generator Shelters at the Kapilimao Well Site. Kekaha, Kauai, Hawaii, First Contract Amendment with Brown and Caldwell
3. Request for Approval for Second Amendment to License Agreement with Bank of Hawaii, Trustee for the Walter D. McBryde Trust (Kukuiolono 0.25 MG Tank), TMK: 2-3-05:05, Situated at Kalaheo, Kaua'i
4. Request Board Approval to Execute a Letter of Approval for Conservation District Use Application (CDUA) KA-3475, County of Kaua'i, Board of Water Supply, Consolidation and Resubdivision of Water Tank Parcels TMK: (4)2-3-05:06 (por.), (4)2-3-05:07 and Lot 12 of TMK: (4)2-3-05:02 and (4)2-3-06:02, Kukuiolono Subdivision, Situated at Kalaheo, Kauai
5. Request Board Approval of the Department of Water's Final Annual Audit
6. Request Board Approval of Resolution No. 7 ^(08/09), Mahalo and Aloha Steven Kyono
7. Request Board Approval of Grant of Easement and Conveyance of Water Facility from Regency Villas, LLC, a Limited Liability Company; for the Water System at Regency Villas at Poipu Kai, Phase II, TMK: (4) 2-8-27:021, Koloa, Kauai, Hawaii
8. Conveyance of Water Facility from Hokuaina Development, LLC, a Hawaii Limited Liability Company; for the Hokuaina Beach Estates (S-2005-24), TMK: (4) 1-2-013:001, 039, 040 & 041, Kekaha, Waimea District, Kauai, Hawai'i
9. Conveyance of Water Facility from McBryde Sugar Company, Limited, a Hawaii Corporation and Kukuiula Development Company (Hawaii), LLC, a Hawaii Limited Liability Company; for the Paanau No. 2, 0.5 MG Tank (S-2004-45), TMK: (4) 2-6-03:001 (por.); Koloa, Kauai, Hawai'i
10. Grant of Easement from McBryde Sugar Company, Ltd., a Hawaii Corporation; for Paanau Tank No. 2, 0.5 MG Tank (S-2004-45), TMK: (4) 2-6-03:001 (por.), Koloa, Kauai, 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, December 11, 2008

G. NEW BUSINESS ((Continued))

11. Grant of Easement and Conveyance of Water Facility from Kukuiula Village LLC, a Delaware Limited Liability Company; for Kukuiula Village (S-2004-45), TMK: (4) 2-6-15:010, Koloa, Kauai, Hawai'i
12. Conveyance of Water Facility from Eugene G. Pillard II, Carina B. Lange and Stewart N. Husband, TMK: (4) 2-4-02:002, Wawae Place, Kalaheo, Kauai, Hawai'i
13. Conveyance of Water Facility from John Paul Hawthorne, Donna Apisa, William Kreutzmann, Tahn Hyun, Margaret Hyun, Andrew J. Smith and Jill S. Smith, for the Water Service Installation Plan for Units B, C, and D, Lot 12-A, TMK: (4) 5-1-05:014, Hanalei, Kauai, Hawaii
14. Request Board Approval of the Election of Officers for 2009

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. Manager's Monthly Update Regarding Activities of Note of the Kaua'i County Water Department
4. Report of the Finance Committee of the Kaua'i County Board of Water Supply
5. Report of the Rules Committee of the Kaua'i County Board of Water Supply
6. 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. Issue Champions: Update of Strategic Goals and Implementation Status
 - b. Affordable Housing: Project Status

BOARD OF WATER SUPPLY
REGULAR MEETING
Thursday, December 11, 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).

REVIEW OF EXECUTIVE SESSION MINUTES:

- a. Regular Meeting: Thursday, June 5, 2008, Part 1
 - b. Regular Meeting: Tuesday, September 16, 2008
 - c. Regular Meeting: Thursday, October 9, 2008
 - d. Special Meeting: Tuesday, October 21, 2008
 - e. Regular Meeting: Thursday, November 13, 2008
1. ES-2008-15 (11-13-08) - 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 **Judy Ta'afuli Webb's** Request to Testify for the Niumalu Paradise Condominium Project by the Developer Niumalu/Nawiliwili Community Planning Project, TMK: 3-2-03:58, Units 1 thru 13, Niumalu, Lihu'e, Kaua'i. 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.
 2. ES-2007 (12-13-07 & 2-14-08) - 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 and/or liabilities, claims and/or potential claims, as they relate to the foregoing and to take such action as the Board deems appropriate.
 3. 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.

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, Lihu'e, Kauai. Our mailing address is P. O. Box 1706, Lihu'e, HI 96766.

BOARD OF WATER SUPPLY
REGULAR MEETING
Thursday, December 11, 2008

4. ES-2008-8 (June 5, 2008)– 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. 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

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.