

PUBLIC HEARING MEETING MINUTES
BOARD OF WATER SUPPLY
Thursday, January 23, 2014

The Board of Water Supply, County of Kaua'i, met in Public Hearing at the Board Conference Room in Lihu'e on Thursday, January 23, 2014. Chairperson Clyde Nakaya called the meeting to order at 6:00 p.m. On roll call, the following answered present:

BOARD: Mr. Clyde Nakaya, Chairperson
Mr. Randall Nishimura
Mr. Hugh Strom
Mr. Larry Dill
Mr. Sherman Shiraishi (*entered at 6:01 p.m.*)

ABSENT/EXCUSED: Mr. Raymond McCormick
Mr. Michael Dahilig

Quorum was achieved with 5 members present at the time of roll call.

STAFF: Mr. Kirk Saiki
Mr. Keith Aoki
Ms. Marites Yano
Mr. Dustin Moises
Ms. Kim Tamaoka
Ms. Regina Flores
Ms. Anne Parrott
Ms. Mj Garasi
Deputy County Attorney Andrea Suzuki

GUESTS: Mr. Hal Parrott, private citizen

Chair Nakaya read the following at the start of the public hearing. "A public hearing was held, **Thursday, January 23, 2014** regarding *Benefit Zones* which will be more specifically, stated when the public hearing notice is read shortly."

The Commission Support Clerk requested a Point of Order to read the Notice of Public Hearing – Benefits Zones as follows:

§46-144 Collection and expenditure of impact fees. Collection and expenditure of impact fees assessed, imposed, levied, and collected for development shall be reasonably related to the benefits accruing to the development. To determine whether the fees are reasonably related, the impact fee ordinance or board rule shall provide that:

(2) Collection and expenditure shall be localized to provide a reasonable benefit to the development. A county or board shall establish geographically limited benefit zones for this purpose; provided that zones shall not be required if a reasonable benefit can be otherwise derived. Benefit zones shall be appropriate to the particular public facility and the county or board. A county or board shall explain in writing and disclose at a public hearing reasons for establishing or not establishing benefit zones;

Legal counsel Andrea Suzuki read and explained the procedures that applied to this hearing.

PUBLIC HEARING **PROCEDURES**

*("Board will follow the following procedure as laid out in the **Benefit Zones** of the Department of Water, County of Kaua'i Rules and Regulations in holding this public hearing....")*

1. **Presentation by Department on its findings of the Proposed *Benefit Zones***
This Board approved the no Benefit Zones at the January 26, 2012 Board Meeting. First, the Department will make a presented on the declaration on no Benefit Zones.
2. **Questions by Board to Department Regarding Presentation**
The Department will then answer any questions Board may have regarding Department's presentation.
3. **Take Public Testimony**
If you wish to testify, please fill out the request to testify signature list. Anyone testifying is entitled to the floor only when recognized by the presiding officer. Anyone with written testimony may be given priority at the discretion of the presiding officer. The presiding officer shall then grant to persons who have not registered time to speak following the registered speakers.

Regarding your testimony:

- Please state your name, address, and organization you're representing and if you are registered lobbyist.
- Please limit your comments to subject matter of today's public hearing
- Anyone testifying shall refrain from direct questioning of the Board and shall direct any remarks or questions to the chair.
- Anyone speaking may be subsequently subject to questioning by the Board. Questions by the Board shall be permitted only at the discretion of the presiding officer.

4. Regarding Public Testimony

- a. **Three minute rule:** Three minute rule will be followed regarding all testimony. Please limit your initial testimony to three minutes. This will give everyone who wants to say something an opportunity to testify. If you don't complete your testimony within three minutes, you will be given another opportunity to complete what you want to say after everyone has had a chance to testify.

If you have not completed your testimony on the second go-around, you'll then be given another chance to finish your testimony after everyone in the second round of testimony has had a chance to testify. The presiding officer may restrict or terminate the speakers' right to the floor for intemperate or abusive behavior or language.

- b. The Board shall not be bound by technical rules of evidence.

Thank you! **Any questions?**

Chair Nakaya read the following. "The public hearing is now open. The purpose of this hearing is for the Board of Water Supply to hear testimony on the declaration on no Benefit Zones.

Mr. Nishimura requested a Point of Order for the Department to explain the presentation.

Chair Nakaya asked the Department to make its presentation on its findings, and to allow questions of Staff Findings by the Board.

BACKGROUND:

Acting Manager & Chief Engineer Kirk Saiki explained the reasons for not establishing geographically limited Benefits Zones:

1. Water Plan 2020 projects benefit the entire water system
2. The current operations of the Department reflect the fact that the entire County water system is one system
3. Not establishing benefit zones allows for a more equitable and proportionate impact fee

Mr. Dill questioned if the other county Board of Water Supply have established Benefit Zones.

Acting Manager & Chief Engineer answered "no."

Chair Nakaya read the following "Now we will begin public testimony. Are there any written materials that have been submitted or that anyone wishes to submit without speaking?" *If so, Chairperson will ask them to be read on record by the Secretary.*

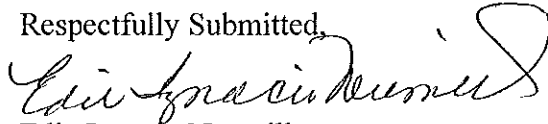
The Commission Support Clerk did not receive any written testimony from the public.

Chair Nakaya read the following. "I will now call upon persons signed up on the sign in sheet." *After public testimony of those registered are taken, Chairperson said:* "Is there anyone else who has not spoken and wishes to?"

After all public testimony was taken, Chairperson closes the hearing and says: "There being no further testimony, I will close the public testimony portion of the public hearing?"

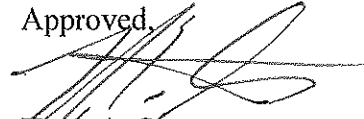
At 6:06 p.m. Chair Nakaya adjourned the Public Hearing meeting regarding the declaration on no Benefit Zones.

Respectfully Submitted,



Edie Ignacio Neumiller
Commission Support Clerk

Approved,



Hugh A. Strom
Secretary – Board of Water Supply