

# Committee Meetings

July 15, 2008

Board present: Roy Oyama, Dee Crowell, Donald Fujimoto, Leland Kahawai, Steven Kyono, and Randy Nishimura. Absent & excused: Ian Costa

Staff present: Wynne Ushigome, Paul Ganaden, Gregg Fujikawa, William Eddy, Keith Fujimoto, Bruce Inouye, Faith Shiramizu, Amy Esaki, Edward Doi, & First Deputy County Attorney Harrison Kawate.

## FINANCE COMMITTEE MEETING:

Finance Committee Chair Steven Kyono called the Finance Committee Meeting to order at 10:05 a.m.

### Re: Claims Payable:

WATER UTILITY FUND: .....	\$2,251,307.63
BOND FUND: .....	\$ -0-
FRC FUND:.....	\$ 280,353.98
STATE FUND: .....	\$ 520.00
<b>TOTAL .....</b>	<b><u>\$2,532,181.61</u></b>

Mr. Fujimoto moved that the claims be approved for payment, seconded by Mr. Nishimura; motion was carried.

The Finance Committee Meeting was duly adjourned at 10:06 a.m.

## RULES COMMITTEE MEETING:

Rules Committee Chair Dee Crowell called the Rules Committee Meeting to order at 10:06 a.m.

### Re: Update on Proposed Amendments to the Rules and Water System Standards, as Amended, of the Board of Water Supply, County of Kaua'i, State of Hawai'i and the Public Hearing Results

Mr. Crowell reported that the Rules Committee and the full Board approved the proposed rule amendment at the Board Meetings on Thursday, June 5, 2008.

The secretary followed up with the necessary signatures from the Mayor, County Attorney and the County Clerk. The County Clerk signed the proposed rule amendment on June 13, 2008 and the rule amendment took effect on July 1, 2008.

Mr. Crowell discussed that per Mr. Kawate's recommendation that the Board should start to work on rule revisions to adopt some rules to allow granting deviations from County standards. Mr. Crowell added that since these rules would probably pertain to private water systems, he would need to recuse himself from this particular rule revision due to a conflict of interest as he works for Princeville, a private water purveyor.

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Mr. D. Fujimoto moved to approve the Board to proposed rule amendments for granting deviations from County standards, seconded by Mr. Kyono.

Mr. D. Fujimoto stated that he wanted to qualify the purpose of this proposed rule amendment is to clarify that the fact that the Board already has the authority to deviate from standards.

Mr. Crowell added that it would be like the Planning Department, who had written criteria on how they grant variances.

Acting Manager Ushigome had concerns about language that stated deviating from the standards.

Mr. D. Fujimoto stated that the reason the Board would probably vote for a deviation of the standards would be on a case-by-case basis and because of unique circumstances. He added that the deviation would have to be justified.

Acting Manager Ushigome asked Mr. Kyono to explain the Taylor-Rice case that resulted in a landmark legal decision. To sum it up, the State was held liable because of materials used for the guardrail were not up to standards even though the driver was legally drunk and speeding when the accident happened that resulted in the death of 2 of his passengers. Therefore, the State had to pay part of the lawsuit settlement costs.

However, Mr. Kyono also stated that on the flip side of Taylor-Rice, there is also a need to look at the big picture as he came across times that there were situations that had merits and made sense to deviate from the standards.

Mr. D. Fujimoto added that if the Board does a waiver that they needed to be very careful of the impact of the waiver.

On query by Mr. Nishimura, Ms. Esaki stated that there is no across-the-board reference in the DOW's Rules to do waivers but there is one only for Subdivisions, under Part 3, Section XII, Modification of Requirements.

Motion was carried.

Mr. Crowell reiterated his conflict of interest; therefore, Mr. Nishimura was appointed as Pro-Tem Chair of the rule-making process for private water systems.

Mr. Fujimoto moved to receive the report, seconded by Mr. Kyono; motion was carried.

There being no other business, the Committee Meetings were duly adjourned at about 10:19 a.m.

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