

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, JUNE 5, 2008

10:05 a.m.

or thereabouts

A. CALL TO ORDER

B. ROLL CALL

C. ACCEPTANCE OF AGENDA

D. MEETING MINUTES:

1. Public Hearing: May 8, 2008
2. Regular Meeting: May 8, 2008

E. CORRESPONDENCE/ANNOUNCEMENTS

1. SB3105, SD, A Bill for an Act Relating to Public Agency Meetings (Act 20) was Signed into Law on April 18, 2008
2. OIP OpenLine, May 2008 Issue – Recent Court Cases
3. Hawai'i State Ethics Commission May, 2008 Newsletter No. 2008-2

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 Board Approval to Clarify the Motion made at the December 13, 2007 Board 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 Resubdivision), TMK Nos. (4) 4-2-03:12, 65 and 66"
3. Request to 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

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F. OLD BUSINESS (cont'd)

4. Request Board Approval of Contract Amendment for Job No. 02-14, WK-08, WK-09, Kapaa Homesteads (Makaleha) 0.5 Million Gallon Tank #2 and Kapahi 1.0 MG Storage Tank and Connecting Pipelines, Kapaa Water System, Kapaa, Kauai, Hawaii
5. 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, 'Oma'ō, Kaua'i, Hawai'i, TMK: (4) 2-7-05: 28, S-2005-26
2. Request Board Approval of the Rule Amendment and Water System Standards, as Amended, of the Board of Water Supply, County of Kaua'i
3. Request Board Approval of the Final Budget for Fiscal Year 2008-09
4. Request Board Approval of Conveyance of Water Facility from Raymond B. Clayton, Erik S. Taylor, David K. Sakihama and Tanya T. Sakihama, Reid T.K. Sakihama, and Kenneth M. Sakihama for the Installation of Single Service Lateral for Lot 10-C, Unit B, Kaapuni Road, TMK: (4) 4-6-11:070, Kapaa, Kauai, Hawai'i
5. Request Board Approval of Conveyance of Water Facility from Raymond O. Chua and Ari D. Aosved, for Kahuna Pali-Uli Condominium, Unit 1, Unit 2 and Common Element; TMK: (4) 4-6-04:049, Kapaa, Kawaihau District, Kauai, Hawaii
6. Request Board Approval of Conveyance of Water Facility from John William Miller, Trustee of the Koochio Realty Trust, an Irrevocable Trust u/d/t dated August 27, 1996, for Subdivision No. S-2003-8; TMK: (4) 5-1-04:034, Kilauea, Hanalei District, Kauai, Hawai'i
7. Request Board Approval of Conveyance of Water Facility from Mark A. Harmon, Joan T. Harmon, James T. Uno and LeAnn Uno, for the Water Meter for Lot 26-B-1-C; TMK: (4) 4-1-08:033, Kapaa, Kawaihau District, Kauai, Hawaii

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G. NEW BUSINESS (cont'd)

8. Request Board Approval of Grant of Easement and Conveyance of Water Facility from KIAHUNA MAKAI, LLC, a Hawaii limited liability company; ROBERT E. KEOWN, as Trustee of the Robert E. Keown Trust under unrecorded Trust Agreement dated February 21, 2002; PAULELE LLC, a Hawaii limited liability company; GREGORY ALAN KAMM AND LINDSAY WARREN KAMM, husband and wife; CHESTER WAYNE HUNT AND LETITIA HUNT, as Trustees of the Hunt Family Revocable Living Trust under unrecorded Trust Agreement dated October 15, 1990; JAMES MICHAEL KILCOYNE AND LESLIE JAN KILCOYNE, husband and wife; WILLIAM ALAN MARSHALL AND PATRICIA ANNE MARSHALL, husband and wife; WILLIAM A. MARSHALL AND PATRICIA A. MARSHALL, Trustees of the Hunt Irrevocable Trust for the Benefit of Wade Douglas Marshall and Jalce Steven Marshall dated December 10, 2003; STEVEN A. HUNT, Trustee of the Steven A. Hunt Revocable Trust dated July 1, 1998; LAUREN L. HUNT, Trustee of the Lauren L. Hunt Revocable Trust dated July 1, 1998; STEVEN A. HUNT AND LAUREN L. HUNT, Trustees of the Hunt Irrevocable Trust for the Benefit of Conor Nakoa Hunt and Mason Makalea Hunt dated December 10, 2003; ANGELINA CHAN LAUBSCH, unmarried; ALAN JOACHIM LAUBSCH, single; BERTRAND MICHAEL LAUBSCH, single; CELINE KATRIN LAUBSCH, single; MARVIN DEAN OTSUJI AND KATHERINE ARMSTRONG LEWI OTSUJI, husband and wife; GERARD JOSEPH MCGRATH AND JUDITH ANN MCGRATH, husband and wife; MARTIN J. KAHN, Trustee of that certain Martin J. Kahn Revocable Trust dated February 29, 1984, as amended; CAROLE ANN KAHN, Trustee of that certain Carole Ann Kahn Revocable Trust dated February 29, 1984, as amended; WAYNE CLAY HELMER AND SANDRA LYNN HELMER, husband and wife; ROBERT MYRON COHEN, unmarried; KEVIN JON ANDERSON AND KARLA JOLENE MARIE ANDERSON, husband and wife; GWEN KAZUE KAWAHARA JAMES, wife of Patrick Barry James; RAH, LLC, a Hawaii limited liability company; FISERV TRUST COMPANY, a Colorado corporation, FBO Arthur Geoffrey Sheldon; RDJ, Inc., a Hawaii corporation; and MARK HOGUE, Trustee of the Mark Hogue Living Trust dated January 27, 2000, for the Kiahuna Makai Subdivision, Subdivision Application S-2004-16, TMK: (4) 2-8-15:077, Poipu, 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

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.

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H. REPORTS (cont'd)

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 Manager Recruitment Sub-Committee of the Whole 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 Sustainability Program

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: Thursday, May 8, 2008 and Thursday, May 22, 2008

OLD BUSINESS:

2. ES-2008-4 - 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.

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J. EXECUTIVE SESSION (cont'd):

OLD BUSINESS (cont'd):

3. ES-2008-5 - 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 A & B Properties, Inc. request for water service Ele'ele Industrial Park Subdivision, TMK: 2-1-02-051 and Ele'ele Residential Development Site, TMK: 2-1-02:003, Portion, Ele'ele, Koloa, Kauai, Hawaii. 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.
4. 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.

NEW BUSINESS:

1. ES-2008-8 – 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