

**SPECIAL MEETING MINUTES**  
**BOARD OF WATER SUPPLY**  
**Wednesday, June 10, 2009**

The Board of Water Supply, County of Kaua'i, met in special meeting at its office in Lihu'e on Wednesday, June 10, 2009. Chairperson Leland Kahawai called the meeting to order at about 10:07 a.m. The following were present and answered on roll call:

BOARD: Mr. Leland Kahawai, Chairperson  
Mr. Dee Crowell  
Mr. Donald Fujimoto  
Mr. Raymond McCormick  
Mr. Randall Nishimura  
Mr. Roy Oyama

Absent & Excused: Mr. Ian Costa

STAFF: Mr. David R. Craddick  
Deputy County Attorney Mona Clark

**AGENDA**

Chair Kahawai requested that Item No. 4, Discuss and/or Action by the Board on the DOW's Hiring of the Waterworks Legal Advisor be deferred to the June 25, 2009 Board Meeting as this matter is pending. Mr. Crowell moved to defer Agenda Item No. 4, seconded by Mr. Oyama; motion died.

However, in the meantime, the Board decided to go into Executive Session to get some preliminary information on ES-2009-7.

**EXECUTIVE SESSION**

*ES-2009-7 – Pursuant to Hawaii Revised Statutes Sections 92-5 and 92-5(a)(2), the purpose of this executive session is to consider matters that require confidentiality under state law, to wit, a hiring matter of our Manager and Chief Engineer for the Kauai Department of Water. 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, relate to the foregoing item and to take such action as the Board deems appropriate.*

Mr. Nishimura moved to go into Executive Session at about 10:10 a.m. for ES-2009-7 as posted, seconded by Mr. Oyama. There was no public testimony. Motion was unanimously carried.

*The Executive Session Meeting was adjourned and the Special Board Meeting called back to order at 10:21 a.m.*

Mr. Nishimura moved to defer this matter to the end of this meeting's agenda so Chair Kahawai could consult with the Personnel Director Malcolm Fernandez of the Department of Personnel Services (DPS) to see whether he could clear up this matter today, seconded by Mr. D. Fujimoto; motion was carried.

**AGENDA** (cont'd)

Mr. Crowell moved to approve the Agenda, as amended, seconded by Mr. Oyama; motion was carried.

**Re: Discuss and/or Action by the Board on the DOW's Hiring of the Waterworks Legal Advisor**

Manager Craddick confirmed that the DOW needs legal counsel in-house as it has worked well in the past and we would need in-house legal counsel even more with the upcoming stimulus project package that would need very timely review of contracts, etc. to expedite and work with the enactment of strict timelines. He felt that there is a need for in-house full-time legal counsel whether this position would be civil service or not.

Mr. D. Fujimoto stated that he felt that he would want to see that the DOW gets a Deputy County Attorney that is hired by the County Attorney's Office and the DOW to fund this position fully. He felt that like this position would be 'at-will', therefore, there would be a higher standard of professionalism versus a civil service position.

Mr. Nishimura moved that the Board authorize the DOW's 2009-10 annual budget to include the funding of a Deputy County Attorney position and to authorize the DOW to work with the County Attorney's Office to fund a Deputy County Attorney's position from our budget that would be physically located at the Department of Water; provided that the Manager and the County Attorney both agree on the selection of the individual, seconded by Mr. Oyama; motion was carried.

*Note that Executive Session for the Waterworks Legal Adviser position was not needed for this agenda item.*

Recess: 10:28 a.m. to 10:35 a.m.

**Re: Request Board Action on the Hiring Matter of the Manager and Chief Engineer's Position**

Chair Kahawai discussed that he talked to Personnel Director Malcolm Fernandez and he just got back to work so he needed some time to discuss this matter further with his staff, as they already had a heads up on this matter. Mr. Fernandez stated that he would get back to the Board, in writing, in a week.

Mr. Crowell moved to authorize Chair Kahawai to create a justification that DPS would need to confirm that the Manager's position was very hard to fill, seconded by Mr. Nishimura; motion was carried.

**ADJOURNMENT**

There being no further business, Mr. Oyama moved to adjourn the Special Board Meeting at 10:38 a.m., seconded by Mr. Nishimura; motion was carried.

Respectfully submitted,

Rona Miura, Secretary

APPROVED:

David R. Craddick, P. E.  
Manager and Chief Engineer

rm (Note: A Special Finance Committee followed this meeting to discuss the budget.)