

Committee Meetings

March 13, 2008

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

Staff present: Wynne Ushigome, Paul Ganaden, Gregg Fujikawa, William Eddy, Keith Fujimoto, Bruce Inouye, Faith Shiramizu, Amy Esaki, Dustin Moises, and Deputy County Attorney Mona Clark.

FINANCE COMMITTEE MEETING:

Pro-Tem Finance Committee Chair Leland Kahawai called the Finance Committee Meeting to order at 10:12 a.m. Ms. Sakoda moved to go into the Finance Committee Meeting, seconded by Mr. Fujimoto; motion was carried.

Re: Claims Payable:

WATER UTILITY FUND: ..	\$1,097,404.06
BOND FUND:	\$ -0-
FRC FUND:	\$ 18,491.44
STATE FUND:	\$ -0-
TOTAL	<u>\$1,115,895.50</u>

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

There being no further business, Mr. Oyama moved to go out of Finance Committee at 10:13 a.m., seconded by Ms. Sakoda; motion was carried.

RULES COMMITTEE MEETING:

Rules Committee Chair Dee Crowell called the Rules Committee Meeting to order at 10:14 a.m. and reported on the following:

Re: Discussion on Proposed Amendment of Rules and Water System Standards, as Amended, of the Board of Water Supply, County of Kauai

With respect to the proposed administrative rule amendments to the Water System Standards, as amended ("Standards"), on March 4, 2008, the Department's staff met with County Fire Chief Robert Westerman and his staff to review and discuss the established criteria for allowing the alternative methodology to satisfy fire protection requirements for non-residential structures.

As a result of this meeting, and with the concurrence of Chief Westerman, the following summary revisions were made to this rule:

- Instead of may [reject] the applicant's fire mitigation measures, the Fire Chief now may **approve** the sufficiency of the applicant's measures no later than one hundred twenty

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(120) day from the date that the Chief has determined, in writing, that the applicant has submitted a complete written analysis to him. ***Previously, if “no action” was taken within the 120-day time frame, the applicant would receive an automatic approval.***

- The basis for the Chief’s approval of an applicant’s proposed mitigation measures has been clarified; an applicant’s measures may be **approved** [rejected] if they are [in]sufficient relative to the structures to be built on the lot, or the uses which will occur in conjunction with the proposed structures.
- In assessing the sufficiency of an applicant’s measures, the Chief may also consider the impact of any potential on-site fire on surrounding off-site structures and uses.
- A “sunset” provision was previously added to the alternative methodology section of the rule amendment which repeals the alternative methodology on July 1, 2008. Such a provision ensured that there is an “automatic review” and assessment of the appropriateness of this alternative methodology after a trial period of several years. ***The proposed action is to delete in its entirety the sunset provision which stated, [This paragraph of (ii) only of annotation (f) shall be repealed on July 1, 2008.]***

The next revision corrects a cross-referencing inconsistency in Paragraph 4a of Part 4, Section VII of the Department’s Rules and Regulations. Under the definition paragraph of “Water transmission main” or “main” reference is made to Paragraph 2.a.(4), instead the referenced paragraph should be **2.d of Section II of Part 2.**

The third amendment to the Department’s administrative rules amends Subparagraph 3.b in Part 4, Section VII adds language to clarify that the facilities reserve charge of \$4,600.00 in a multi-family residential development and/or resort development includes each unit **or hotel room.**

Under HRS 201M-Small Business Regulatory Flexibility Act, prior to submitting proposed rules for adoption, amendment, or repeal under section 91-3, the agency shall determine whether the proposed rule affect small business. In order to satisfy these rule-making requirements, the Department will be concurrently submitting the abovementioned amendments and Small Business Impact Statement (SBIS) to the Small Business Regulatory Review Board (SBRRB) and our Small Business Advisory Committee (SBAC) and for review and comments. The Department’s SBAC members include Tom Shigemoto, Donna Apisa and Ron Sakoda.

Acting Manager Ushigome added that she would be meeting with the Kauai SBRRB representative, Mr. Peter Yukimura, to give him the heads up on the proposed rule

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amendments so he can assist us with a smooth review at the March 19, 2008 SBRRB Monthly Meeting on Oahu.

A public hearing for the Amendment of Rules and Water System Standards is tentatively scheduled for Thursday, May 8, 2008 immediately before our Board Meeting. In order hold a public hearing on May 8th, the Department needs to provide a 30-day notice prior to the meeting date; therefore, the deadline to publish the "Notice of Public Hearing" is April 8, 2008.

The following rule amendment documents were given to the Committee for their information and review, which have also been forwarded to the SBRRB and SBAC for their review and comments:

1. Amendments to the Rules and Regulations and Water System Standard, as Amended, of the Board of Water Supply, County of Kaua'i, State of Hawai'i, and;
2. Small Business Impact Determination and Statement for Proposed Amendment of Rules and Water System Standard, as Amended, of the Board of Water Supply, County of Kaua'i.

Mr. Oyama moved to approve the proposed rule amendments, to have it reviewed by the various agencies, to go to Public Hearing on May 8, 2008 and to forward it to the full Board for approval, seconded by Mr. Fujimoto; motion was carried.

There being no further business, the Rules Committee adjourned at 10:19 a.m.

COMMITTEE OF THE WHOLE:

Re: Election of the 2008 Board Secretary, Effective April 1, 2008

The Board of Water Supply, at its December 13, 2007 Board Meeting approved the slate of officers, which included Bernie Sakoda as Board's secretary during the duration of her carryover term. Her term expires as of March 31, 2008; therefore, a new Board Secretary is needed for the remainder of 2008.

Ms. Sakoda moved to approve the nomination of Mr. Dee Crowell to be the new Board Secretary effective April 1, 2008 and to forward this item to the full Board for approval, seconded by Mr. Kahawai; motion was carried.

ADJOURNMENT: There being no further business, the Committee Meetings were duly adjourned at 10:21 a.m.

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