

PUBLIC HEARING MEETING MINUTES
BOARD OF WATER SUPPLY
Thursday, May 22, 2014

The Board of Water Supply, County of Kaua'i, met in Public Hearing at the Board Conference Room in Lihu'e on Thursday, May 22, 2014. Chairperson, Clyde Nakaya called the meeting to order at 5:00 p.m. On roll call, the following answered present:

BOARD: Mr. Clyde Nakaya, *Chairperson*
Mr. Sherman Shiraishi, *Vice Chair*
Ms. Laurie Ho
Mr. Michael Dahilig
Mr. Larry Dill

ABSENT/EXCUSED: Mr. Hugh Strom
Mr. Raymond McCormick

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

STAFF: Mr. Kirk Saiki
Mr. Keith Aoki
Ms. Marites Yano
Mr. Keith Aoki
Ms. Kim Tamaoka
Ms. Mj Garasi
Deputy County Attorney Andrea Suzuki

GUESTS: Mr. Robert Giraldo, Private Citizen

Chair Nakaya read the following at the start of the public hearing: A public hearing will be held today Thursday, May 22, 2014 regarding the Adjustment of Bills for Undetected Leaks and Unforeseen Damages through which will be more specifically, stated when the public hearing notice is read shortly."

The Commission Support Clerk read the Notice of Public Hearing as follows:

PART 2 WATER SERVICE CONNECTIONS
SECTION IX - ADJUSTMENT OF BILLS FOR UNDETECTED LEAKS AND UNFORESEEN DAMAGES

(Section revisions for adjustment of bills for undetected leaks and unforeseen damages to **use the second tier rate** pursuant to the Department's General Use Water Rates)

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 Department of Water, County of Kaua'i Rules and Regulations in holding this public hearing....")

1. **Presentation by the Department on its findings of the Proposed *Adjustment of Bills for Undetected Leaks and Unforeseen Damages*.** (*Presentation will be first made by the Department regarding the proposed rules that are the subject of this meeting.*)

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 chair. Anyone with written testimony may be given priority at the discretion of the presiding chair. The presiding chair 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 a 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.

c. 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 proposed *Adjustment of Bills for Undetected Leaks and Unforeseen Damages*.

BACKGROUND:

Acting Manager & Chief Engineer, Mr. Saiki recommended that the Board adopt the proposed revisions of Part 2 Section IX of the Department of Water's (DOW) Rules & Regulations as recommended by the DOW.

The revisions do not change the dollar amount on the adjustments which tightens up the requirement for qualification. The rule limits the number of rebates only on underground leaks for the customer.

DISCUSSION:

Mr. Dill referred to Paragraph No. 1, Section IX of the Rule – *“The Department will reduce high water bills caused by undetected underground leaks in the consumer’s supply pipe provided, however, that no reduction in a water bill shall be allowed where the underground leak resulted from storm damage, flood, explosion, fire, and or acts of nature.”*

Acting Manager and Chief Engineer Mr. Saiki explained there would be a limitation to exposure to acts of nature and fire.

A clarification was made by Mr. Shiraishi who said the previous Manager indicated that the consumer should be checking their property from storm damage, flood, explosion, fire, and or acts of nature.

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, the Chair 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?”*

Mr. Robert Girald, private citizen presented his testimony.

In January, Mr. Robert Girald’s water bill was \$650.00. 80,000 gallons of water was lost due to a leak that lasted approximately seven (7) days. Mr. Girald’s meter is located in his pasture on Puh Road. Pigs broke the line because the line was exposed. Some of the line is buried with Guinea grass therefore; a leak would not be detectable right away. Because he did not have a copy of the rules, Mr. Girald was not aware of the “acts of nature.”

Mr. Girald suggested the Board to look at other ways of accessing charges in the rules.

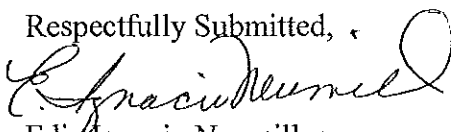
DISCUSSION:

Mr. Shiraishi explained that the Department would take an average on Mr. Gerald’s 12 month water usage to receive an adjustment.

After all public testimony was taken, Chairperson closed the hearing and said: “There being no further testimony, I will close the public testimony portion of the Public Hearing.”

At 5:21 p.m. Chair Nakaya closed the Public Hearing regarding *Adjustment of Bills for Undetected Leaks and Unforeseen Damages.*

Respectfully Submitted, *



Edie Ignacio Neumiller
Commission Support Clerk

Approved,



Sherman Shiraishi
Vice Chair – Board of Water Supply