

**NOTICE OF PUBLIC HEARING**  
**COUNTY OF KAUAI**

The Board of Water Supply of the County of Kauai (“Board”) will hold a public hearing and receive public testimony and comments from all interested persons regarding the following item:

**PROPOSED AMENDMENTS TO THE RULES AND REGULATIONS OF THE BOARD OF  
WATER SUPPLY, COUNTY OF KAUAI, STATE OF HAWAII**

The Department of Water is recommending the proposed amendment to Part 5 Section III to establish and implement a Facilities Reserve Charge for Guest Houses containing a kitchen and Additional Rental Units. Below is a summary of the proposed changes.

**PART 5 FACILITIES RESERVE CHARGE**  
**SECTION III, APPLICABILITY**

1. The Facilities Reserve Charge shall be assessed against all new developments and subdivisions requiring supply of water from the County of Kauai, Department of Water, and existing developments requiring new or additional supply of water from the Department’s system. The Facilities Reserve Charge must be paid before water services are made available to the new or existing development.

2. The Facilities Reserve Charge shall be paid by all Applicants for new or additional water service, including but not limited to the following:

- a. All irrigation services and/or meters.
- b. Additional buildings to be connected to existing services where additional demands are indicated. The charges shall be based on the meter sizes required if the buildings were metered separately.
- c. Additional dwellings connected to existing services and meters under the categories of single family and multi-family residential units. The charges will be based on the established schedule of charges for the respective categories.
- d. Changes in service that require an increase in meter size.
- e. Where an FRC was paid but a water meter was never installed to serve the subject property, the applicant shall pay the Facilities Reserve Charge in accordance with Part 5, Section IV (4) of these Rules.

3. The Facilities Reserve Charge shall apply to all Applicants for water service as follows:

- a. For each parcel created by subdivision, including the first lot created; and for every

new single family residential dwelling unit not yet metered and a Facilities Reserve Charge has not yet been paid, the applicable Facilities Reserve Charge shall be \$14,115.00.

- b. The Facilities Reserve Charge for multi-family and/or resort development will be the cost of the approved meter size or the cost of \$9,880.00 per unit or hotel room, whichever number is larger.
- c. The Facilities Reserve Charge for conversion of legally existing single-family units to a multi-family unit structure, as provided by law, will be assessed at 50% of the Facilities Reserve Charge for multi-family units, per unit.
- d. For projects developed by the County of Kaua'i Housing Agency or in partnership with the County of Kaua'i Housing Agency, and certified by the County of Kaua'i as affordable housing (defined by Kaua'i County Ordinance 7A-1.3), the Facilities Reserve Charge shall be \$4,940.00 per unit.

**e. The Facilities Reserve Charge for a Guest House, containing a kitchen, shall be \$9,880.00.**

**f. The Facilities Reserve Charge for an Additional Rental Unit (ARU) shall be \$9,880.00.**

[e.] **g.** For all other uses, the Facilities Reserve Charge shall be determined by the size of the meter, as shown below. Meter sizes shall be determined by the Department and not by the Developer or Applicant.

Meter Size	Amount
5/8"	\$ 14,115.00
3/4"	\$ 21,170.00
1"	\$ 35,290.00
1 1/2"	\$ 70,580.00
2"	\$ 112,920.00
3"	\$ 225,840.00
4"	\$ 352,880.00
6"	\$ 705,750.00
8"	\$ 1,129,200.00

Facilities Reserve Charges are periodically adjusted by the Department. These adjustments may increase or decrease existing Facilities Reserve Charge amounts. Where adjustments to Facilities Reserve Charges result in decreases of such charges, no refund will be made of the difference between the higher, pre-existing charges and the lower, adjusted charges.

The Public hearing will be held at the following location, date and time given below:

Wednesday, May 27, 2020  
4:30 PM

On March 16, 2020, Governor David Y. Ige issued a Supplementary Emergency Proclamation related to COVID-19 which suspended Chapter 92 of the Hawai‘i Revised Statutes (“HRS”), relating to Public Agency Meetings and Records (commonly referred to as the Sunshine Law) to the extent necessary in order to enable boards to conduct business in-person or through remote technology without holding meetings open to the public. Boards shall consider reasonable measures to allow public participation consistent with social distancing practices, such as providing notice of meetings, allowing the submission of written testimony on items which have been posted on an agenda, live streaming of meetings, and posting minutes of meetings online. No board deliberation or action shall be invalid, if such measures are not taken.

In accordance with the Governor’s Proclamations including the stay-at-home order and the Mayor’s Proclamations and Emergency Rules, the Board of Water Supply public hearing will be conducted as follows:

- The public hearing will be held via remote technology to be consistent with social distancing practices and stay-at-home orders.
- Board members and/or resource individuals will appear via remote technology.
- The public hearing will continue to be noticed pursuant to HRS Chapter 92.
- Written and oral testimony on the proposed Rules will continue to be accepted.
  - Written testimony may be submitted to Edie Ignacio-Neumiller, the Commission Support Clerk via email at [eineumiller@kauaiwater.org](mailto:eineumiller@kauaiwater.org) by the close of business the day before the public hearing is scheduled or mailed to the Board of Water Supply at 4398 Pua Loke Street, Lihu‘e, Kaua‘i, Hawai‘i 96766 with attention to the Commission Support Clerk. The public is asked to please provide sufficient time if mailing in public testimony.
  - Oral testimony may be submitted by leaving a voice message at (808) 245-5412.
  - The Commission Support Clerk will provide electronic copies of public testimony received, if any, to the Board members prior to the start of the public hearing.
- The public hearing will comply with HRS Chapter 92 and be posted to the Board’s website at [http://www.kauaiwater.org/cp\\_waterboard\\_agendas.asp](http://www.kauaiwater.org/cp_waterboard_agendas.asp).

The proposed rule will be available to view on the Kaua‘i Department of Water’s website, [www.kauaiwater.org](http://www.kauaiwater.org). A copy of the proposed rule will be mailed to any interested person who requests a copy and pays the required fees for the copy and the postage. Requests may be made by calling the Commission Support Clerk at (808) 245-5406 or via email at [eineumiller@kauaiwater.org](mailto:eineumiller@kauaiwater.org). Requests may also be made up to and including the date of the public hearing.

## SPECIAL ASSISTANCE

If you need an auxiliary aid/service, other accommodations due to a disability, or an interpreter for non-English speaking persons, please contact Edie Ignacio-Neumiller at (808) 245-5406 or [edieumiller@kauaiwater.org](mailto:edieumiller@kauaiwater.org) as soon as possible. Requests made as early as possible will allow adequate time to fulfill your request. Upon request, this notice is available in alternate formats such as large print, braille, or electronic copy.

BY ORDER OF THE BOARD: Kurt Akamine, Chairperson, Board of Water Supply

*(Published in The Garden Island & Department of Water's Website at [www.kauaiwater.org](http://www.kauaiwater.org) on Monday, April 27, 2020 and Tuesday, May 19, 2020.)*