

REGULAR MEETING MINUTES  
BOARD OF WATER SUPPLY  
Thursday, November 19, 2009

The Board of Water Supply, County of Kaua'i, met in regular meeting at its office in Lihu'e on Thursday, November 19, 2009. Chairperson Leland Kahawai called the meeting to order at 1:15 p.m. On roll call, the following answered present:

**BOARD:** Mr. Leland Kahawai, Chairperson  
Mr. Ian Costa  
Mr. Dee Crowell  
Mr. Donald Fujimoto  
Mr. Randall Nishimura  
Mr. Roy Oyama

Absent & excused: Mr. Raymond McCormick

**STAFF:** Mr. David Craddick  
Mr. Paul Ganaden  
Mr. Gregg Fujikawa  
Mr. William Eddy  
Mr. Keith Fujimoto  
Mr. Bruce Inouye  
Ms. Faith Shiramizu  
Deputy County Attorney Amy Esaki

**AGENDA:**

Chair Kahawai stated that under Old Business No. 3, Proposed Rule Amendments, needed to include Section VI, Public Fire Service Charges, which was inadvertently missed. Mr. Nishimura moved to approve the Agenda, as amended, seconded by Mr. Oyama; by a unanimous vote, motion was carried.

**MINUTES:**

Mr. Oyama moved to approve the Regular Meeting Minutes of October 15, 2009, as amended, seconded by Mr. Costa; by a unanimous vote, motion was carried.

**CORRESPONDENCE:**

**Re: Letter from Grove Farm to Add Capacity to the Waiahi Treatment Facility**

Mr. Costa moved to receive the above Correspondence and place on file and refer to staff this letter to staff for review and report back to the Board, seconded by Mr. Oyama. This matter will be brought up again when Grove Farm is present at the meeting.

**OLD BUSINESS:**

**Re: Request Board Approval of Contract Amendment No. 5 for Job No. 06-01, KW-28, Amfac Shaft 11 (State Well No. 5842-02), Phase IB, Facility Testing, Evaluation and Reporting, Kekaha, Kaua'i**

**RECOMMENDATION:** It was recommended that the Board approve the fifth contract amendment with Brown and Caldwell, consultants for this project to revise Amendment No. 4 as follows:

1. Deletion of the precast concrete cover (-\$15,400). (Department of Water constructed and installed the cover.)
2. Deletion of the original plans for sealing the exterior access tunnel to the shaft (-\$13,310).
3. Addition of sealing the interior and exterior of the access tunnel to the shaft (+\$25,300).
4. Addition of supplemental pump testing to support additional water quality testing at the shaft (+\$3,289).

It was also recommended to revise the date to March 1, 2010 to complete the preliminary engineering report.

**FUNDING:**

Contract No. 466, Brown and Caldwell  
Job No. KW-28, Amfac Shaft 11 (State Well No. 5842-02), Phase IB, Facility Testing,

Evaluation and Reporting, Kekaha, Kauai....	\$572,431.00	
Amendment #2.....	\$ 12,852.00	
Amendment #3.....	\$ 0.00	
Amendment #4.....	\$113,985.00	
Amendment #5.....	<\$ 121.00>	\$699,268.00
Revised Contract Amount.....		< \$699,147.00>
Balance Remaining.....	\$ 121.00	

**BACKGROUND:**

Brown and Caldwell revised the cover design for the Amfac shaft to provide for its removal if the Department needs to remove the concrete cover to access the shaft. The Department decided to construct and install the cover.

The Department requested to seal the tunnel leading to the well shaft at the shaft. This sealed off approximately 100 feet of open tunnel space which could have contributed to contaminating the well water.

The initial water sample collected resulted in an unusually high coliform count, which may have questioned the water quality of the well water. The Department proceeded to re-chlorinate the well and flushing the well until it was certain that the well was sufficiently chlorinated and collected enough water samples to make the determination that the water was acceptable for consumption.

The consultant will now prepare the preliminary engineering report to be submitted to the Department of Health for their approval for use of well for domestic purposes.

Brown and Caldwell submitted their proposal to reduce the contract amount by \$121.00 for the work requested.

Mr. Nishimura moved to approve Amendment No. 4 as stated above, seconded by Mr. Costa; by a unanimous vote; motion was carried.

**Re: Committee/Board Discussions and Possible Action on Proposed Bond Projects**

Manager Craddick reported and recommended that the revised CIP projects listing, consisting of to be funded from the proposed bond issue.

The Board decided to revise the bond project listing by cancelling \$5 million for the KW-16, Waimea Canyon Project and adding \$2 million for the KW-14, Waimea Main Replacement Project for a total of \$77.817 million. However, although the report showed an increased dollar amount for our proposed projects, the bond issue amount will remain at \$60 million. The reason is that it is expected that construction costs will be lower than the estimates.

Mr. Costa moved to approve the revised bond project listing to cancel KW-16, Waimea Canyon Project and add KW-14, Waimea Main Replacement Project, which shall not exceed \$60 million, as amended, seconded by Mr. D. Fujimoto; by a unanimous vote; motion was carried.

**Re: Committee Discussion & Possible Action on the Following Amendments to the Rules And Regulations, Part 4, Fixing Rates for the Furnishing of Water Service in the County of Kaua'i (Manager's Rep. No. 10-16)**

- a. Section I – General Use Rates (Proposed Block Changes)
- b. Section II – Bulk Rates (Paragraph 1)
- c. Section III – Agriculture Rates (Addition of Backflow Preventer Requirement)
- d. Section IV – Shipping Rates (Paragraph 3)
- e. Section V – Private Fire Service Charges (usage based on area ratio)
- f. Section VI – Public Fire Service Charges
- g. Section X – Cost of Adjustment Clause

As part of the proposal to change the general rate consumption Block thresholds, other issues regarding the Part 4 rules are proposed to be revised.

These include Section I General Rates - portions of consumption are added to the service charge, one more block with a \$0.25 increase is added to high end use; Section II - extending the time where bulk rates may be allowed; Section III Ag Rates – putting in provision for backflow preventers to be installed to qualify for Ag Rates;

Section IV deleting old sections; and Section V Private Fire Protection. Of these items the area with most changes is the Private Fire Protection.

As an overview, there are fire lines approved by the Department for sole use of fire service and lines approved which allow both domestic and fire service. To separate the different purposes, Paragraphs 1 and 2 are added. In Paragraph 1 there are proposed changes in the introduction to the section that make it clear the fire lines are for a sole purpose.

*“1. For each service connection for the **sole** purpose of automatic fire sprinklers or other private fire protection, there shall be a Private Fire Service Inlet Line Charge per month based on the diameter of the inlet line connection as follows:”*

Old effective date provisions are brought up to date with no proposed change in the rate. Since there is not suppose to be consumption on a dedicated line and we currently charge the consumption that is read on the meter this is the major change to the section. We are proposing a consumption paragraph to make it clear we will charge for consumption if it occurs. The next two paragraphs deal with what are called detector check meters and full flow meters.

The detector check meter only reads a portion of the flow through the meter. As flow increases through the detector meter and the pressure drop across the detector meter increases. With a high enough pressure drop the “weighted” closed check valve begins to open. At this time there are meter curves that compare pressure drop to flow but each meter manufacturer and size has a different curve. We propose using the ratio between the inlet line size and the detector meter. This is a reasonable estimate of the total flow through the meter. This is done with a look up table and multiplying the detector meter reading times the line / meter area ratio. As an example if a premise has a 8” inlet size with a 5/8” detector meter and there is a 10 k gallon reading on the detector meter for the billing cycle the charge would be \$135 for the fire service charge plus the 5/8” meter charge of \$10 plus the meter reading charge of 10 times the area ratio of 163.84 or 164,000 gallons at the general service rate. This is about \$941. This totals \$1086 verses \$145 if there is no use on the line. When there is only a small leak on the line the check valve may not open to allow the full flow. However, there is no way to tell if the check valve opens or not and there is little incentive to repair a leak if the full potential flow is not charged for. So we ask for your approval of the proposed change to charge for the full flow except when there is verifiable fire use. The next paragraph deals with full flow fire meters.

*“2. For each service connection for the **dual** purpose of automatic fire sprinklers or other private fire protection and potable service there shall be a Private Fire Service Inlet Line Charge per month based on the diameter of the inlet line connection as follows:”*

At premises where DOW has allowed dual use of fire lines for domestic use, the meters may be full flow with detector check meters. There will be two charges consisting of the inlet line charge plus a service charge for the size of full flow meter being read and consumption charge based on general rates for the full flow meter and the detector check meter.

Small Business Regulatory Review Board (SBRRB):

Manager Craddick and Waterworks Controller Ganaden attended the November 18, 2009 SBRRB Oahu Meeting to support our proposed rule amendments. Mr. Ganaden stated that it helped that Manager Craddick met with our Kauai SBRRB Representative Peter Yukimura to brief him on our proposed rule amendments as Mr. Yukimura informed the SBRRB that he was comfortable with our proposed rule amendment concept. The SBRRB approved the concept of our proposed rule amendment and to go to public hearing.

1. Section I – General Use Rates (Proposed Block Changes)
  - a. Mr. Costa moved to approve the Rules Committee’s recommendation to go to public hearing, seconded by Mr. D. Fujimoto; by a unanimous vote; motion was carried.
  
2. Section II – Bulk Rates (Paragraph 1)
  - a. Mr. Costa moved to approve the Rules Committee’s recommendation to go to public hearing, seconded by Mr. D. Fujimoto; by a unanimous vote; motion was carried.
  
3. Section III – Agriculture Rates (Addition of Backflow Preventer Requirement)
  - a. Mr. Costa moved to approve the Rules Committee’s recommendation to go to public hearing, seconded by Mr. D. Fujimoto; by a unanimous vote; motion was carried.
  
4. Section IV – Shipping Rates (Paragraph 3)
  - a. Mr. Costa moved to approve the Rules Committee’s recommendation to go to public hearing, seconded by Mr. D. Fujimoto; by a unanimous vote; motion was carried.
  
5. Section V – Private Fire Service Charges (usage based on area ratio)
  - a. Mr. Costa moved to approve the Rules Committee’s recommendation to go to public hearing, seconded by Mr. D. Fujimoto; by a unanimous vote; motion was carried.
  
6. Section VI – Public Fire Service Charges
  - a. Mr. Costa moved to approve the Rules Committee’s recommendation to go to public hearing, seconded by Mr. D. Fujimoto; by a unanimous vote; motion was carried.

7. Section X – Cost of Power Adjustment

- a. Mr. Costa moved to approve the Rules Committee's recommendation to go to public hearing, seconded by Mr. D. Fujimoto; by a unanimous vote; motion was carried.

**NEW BUSINESS**

**Re: Request Board to Approve the Amendment to the Board's Rules of Procedure, Rule I – Meetings** *(Manager's Rep. No. 10-22)*

**Recommendation:**

The Department recommended that the Board approve amending their Rules of Procedure, Rule I – Meetings, to reflect the change in the week that the Board Meetings are held.

**Background:**

This is an after-the-fact request as the Board Meetings changed from the second week of the month to the third week starting from February, 2009; however, our Rules of Procedure was inadvertently not revised to reflect the change; therefore, a revision is now requested.

This is for housekeeping purposes only.

Mr. Crowell recommended that Rule I – Meetings, should reflect that the Board shall meet once a month to make it easier and not have to continue to change this procedure if the scheduled meeting dates change.

Mr. Costa moved to approve Rule I – Meetings, seconded by Mr. D. Fujimoto.

Both Mr. Costa and Mr. D. Fujimoto withdrew their motion and second, respectively.

Mr. Nishimura moved to defer this matter so Deputy County Attorney Esaki has time to research to verify that this matter does not have to go to public hearing, seconded by Mr. D. Fujimoto; by a unanimous vote; motion was carried.

**CORRESPONDENCE:**

**Re: Letter from Grove Farm to Add Capacity to the Waiahi Treatment Facility**

Mr. Dave Hinazumi of Grove Farm was present at the meeting at about 1:35 p.m.

Mr. Costa moved to receive the above Correspondence and place on file and refer to staff this letter to staff for review and report back to the Board, seconded by Mr. Oyama

Mr. Hinazumi thanked the Board to consider their request to expand the Surface Water Treatment Facility. He thanked Manager Craddick who responded very quickly to their initial request. However, at that time, Grove Farm was still working on their Lihue/Hanamaulu Water Master Plan, so they decided to defer their expansion request. They have now gotten their Water Master Plan done and have now resubmitted their request.

Mr. Hinazumi offered to answer any questions or provide information to help the Department to make a decision on this request.

By a unanimous vote, motion was carried.

*Mr. Hinazumi left the meeting at about 1:40 p.m.*

**Re: Request Board Approval to Enter into an Agreement for Exploration of an Intrastate Water Agency Response Network (WARN)**

**RECOMMENDATION:** It was requested that the Board approve to enter into the enclosed interagency agreement is recommended as Kaua'i has been the beneficiary of such rapid assistance on more than one occasion.

**FUNDING:** n/a

**BACKGROUND:**

The enclosed Water Agency Response Network (WARN) Fact Sheet gives details of the program.

This program can be implemented before declaration of an emergency.

Mr. Nishimura moved to approve to enter into the enclosed interagency agreement, seconded by Mr. Costa.

Manager Craddick explained that this agreement is among the four (4) counties to cooperatively assist each other in case of an emergency and because of this agreement we would not have to wait till the Governor declares an emergency before helping each other and getting reimbursements.

He added that there are few details yet to be worked on as far as reimbursements, food, personnel, etc.

By a unanimous vote; motion was carried.

**Re: For the Board's Information: Board Meeting Dates for Next Year, 2010**

The Board was informed of the Tentative Board Meeting dates for 2010.

It was noted that for May, 2010, the AWWA, HI Section May Annual Conference on O'ahu has not been set yet. If this May conference conflicts with our proposed Board Meeting date, it will be requested to change this meeting date to accommodate the Board's attendance to the conference.

Mr. Costa moved to receive and place on file, seconded by Mr. Crowell; by a unanimous vote; motion was carried.

**Re: Request Board Approval of Conveyance of Water Facility Documents**  
*(Manager's Report No. 10-27)*

It was requested that the Board approve the following documents from the following applicants for their respective projects:

**Re: Conveyance of Water Facility from Richard Berry, TMK: (4) 5-9-01:021, Kuhio Highway, Haena, Kauai, Hawai'i**

Mr. D. Fujimoto moved to approve the Conveyance of Water Facility from Richard Berry, seconded by Mr. Nishimura; by a unanimous vote, motion was carried.

**Re: Grant of Easement and Conveyance of Water Facility Agreements from Regency Kauai Holdings, LLC. for the Kauai Care Center, S-2007-11, TMK: (4) 1-6-009:029, 1-6-009:030, 1-6-009:032, 1-6-009:035 and 1-6-009:041, Waimea Canyon Drive, Huakai, Waena and Makeke Roads, Waimea, Kauai, Hawai'i**

Mr. Costa moved to approve the Grant of Easement from Regency Kauai Holdings, LLC. for the Kauai Care Center, with the indemnification provision, seconded by Mr. Nishimura; by a unanimous vote, motion was carried.

Mr. Costa moved to approve the Conveyance of Water Facility from Regency Kauai Holdings, LLC. for the Kauai Care Center, seconded by Mr. Nishimura; by a unanimous vote, motion was carried.

**REPORTS**

**Re: Statement of Kaua'i County Water Department's Revenues and Expenditures**

Mr. Costa moved to receive the Statement of Kaua'i County Water Department's Revenues and Expenditures report and placed it on file, seconded by Mr. Oyama; by a unanimous vote, motion was carried.

**Re: Public Relations Specialist's Monthly Update Regarding DOW Public Relation Activities**

Public Relations Specialist Faith Shiramizu gave the following report:

## **Re: Public Relations Update**

**Employee Events:** The County Employee Council hosted its Annual Spooktacular event for Halloween. There were opportunities to participate in the Pumpkin Carving Contest, Door Decorating Contest and the Costume Contest. The DOW was represented by several children of our employees in the Pumpkin Carving Contest that included winning entries from Karlyee Malapit (Bekki's daughter) - Most Creative and Saina Yano (Tess's daughter) – People's Choice, both in the teen division and Marielle Yano (Tess's daughter) – Scariest in the child division. In addition, Tess's daughter Aleah won the Princess division of the Costume Contest and her nephew took the prize in the Super Hero division.

The Fun Committee is happy to have two volunteers to spearhead three upcoming events. Jenny is organizing our Christmas Bowling Party as well as coordinating with Child and Family Services to provide 50 gifts as part of the Angel Tree program. Clarita has stepped up to lead us in providing dinner for the KEO Homeless Shelter. (Board members are welcome to participate in any or all of these events.)

**SRF:** Final Loan Agreements for Job No. 05-07, K-07, LO-13, Waha, Wawae, and Niho Roads Main Replacement and Job No. 05-04, KW-27 Kaumuali'i Highway 12 inch Main Replacement Elepaio Road to Huakai Road are in place and requests for reimbursements can be submitted.

**ARRA:** The Final Loan Agreement for the Pipeline Replacement for Lihue Town project is in place and requests for reimbursements can be submitted (*Per Ms. Shiramizu: Correction: Agreement will be in place shortly.*)

**Press Releases:** Press Release announcing the appointment of Bill Eddy as Deputy Manager-Engineer was sent out. A release was prepared and will be distributed shortly regarding the proposed block rate changes creating Conservation Block Rates.

On query by Mr. Nishimura, Ms. Shiramizu stated that our Department of Health representative has informed her that they are looking for other projects that are ready to and may qualify for ARRA funding. The reason is that other states may have not used all their funding and may be available to states that have ARRA-ready projects.

On query by Mr. Nishimura, Manager Craddick stated that the only project that we have ARRA-ready (and Buy America qualified) is our Waimea Main Replacement Project.

Mr. Costa moved to receive the Public Relations Update and placed it on file, seconded by Mr. D. Fujimoto; by a unanimous vote, motion was carried.

**Re: Acting Chief of Operations' Summary Report on Monthly Operational Maintenance**

Deputy Manager Eddy reported that the Ops Division is still working on resolving the main waterline and the backup waterline that were totally lost in Hanalei River and the waterline that was lost in upper Kapahi in Moelepe Stream due to the storms recently. Manager Craddick commended on his leadership in resolving the problems. There were boil water notices in both areas.

Deputy Manager Eddy stated that through an emergency procurement, he will be getting the waterlines soon and have made temporary measures to mitigate the problems.

Mr. Costa moved to receive the Acting Chief of Operations' Summary Report and placed it on file, seconded by Mr. Crowell; by a unanimous vote, motion was carried.

**Re: Manager's Update for October, 2009 to November, 2009**

**Delegation From Board To Manager:**

**CONTRACTS AWARDED BY THE MANAGER:**

Re: Job No. 02-03, Water Plan 2020 Project KW-14, 12-Inch Waterline along Kaumuali'i Highway and Waimea Canyon Drive, Koga Engineering and Construction, Inc. in the amount of \$2,001,270.00.

**FUNDING:**

Account 101b. CRP, 12-Inch Waterline along Kaumuali'i Highway and Waimea Canyon Drive .....	\$4,300,000.00
Contractor (Koga Eng. & Construction, Inc.).....	\$ 2,001,270.00
Contingency, approximately 5%.....	\$ 98,730.00
Total.....	<\$2,100,000.00>
BALANCE REMAINING, Account 101b. CRP, 12-Inch Waterline along Kaumuali'i Highway and Waimea Canyon Drive. ....	<u>\$2,200,000.00</u>

**PUMP INSTALLATION PERMITS SIGNED BY MANAGER:** None.

**WAIVER, RELEASE AND INDEMNITY AGREEMENTS SIGNED BY THE MANAGER:**

Re: Kaua'i Community Federal Credit Union, TMK: 3-3-10:002 & 003, Lihue, Kaua'i

**PERSONNEL MATTERS UPDATE:** None.

**Affordable Housing Update:**

The September and October, 2009 Affordable Housing Meetings were cancelled.

The following are the Updates on AHTF Projects from the Monday, November 9, 2009 Meeting:

1. Habitat - Eleele I Luna Subdivision Phase 2 (107 lots, 1 park): The developer plans to receive final subdivision map approval for Phase 2, Construction for the offsite 8-inch sewer mainline is planned to be completed by March 2010. On site construction plans estimated to be approved by March 2010 and ready for construction by June 2010. Subdivider planning on sub phasing the first sub phase into 45 lots and 1 park.
2. Kauai Lagoons – Kapule Project: Construction of several multifamily buildings are underway. DOW fire hydrant installation along Haoa Street is not completed.
3. Kukui'ula Employee Housing- "Gap" Housing subdivision and zoning permit: A standalone water master plans for the Employee project was re-submitted in February, 2009 to DOW. The DOW has completed its review of the Workforce Housing water master plan. According to the Housing Agency, the project was granted an extension until 2013. The developer may be considering developing affordable housing at a different site.
4. Kohea Loa (Hanamaulu Triangle)- . Grove Farm revised Water Master Plan (dated June 10, 2009) was approved by DOW on July 14, 2009. On site construction plan review is underway.
5. Paanau Village, Phase 2: Housing agency estimates that the development will include 40 to 60 MF units.
6. State Land Parcels (County Affordable Housing):
  - a. The Housing Agency is requesting a status update for the DOW Affordable Housing water system improvement projects for the next AHTF meeting.

Next meeting will be held on Monday, December 14, 2009 at the Pi'ikoi Conference Room A at 10:00AM-11AM.

Monthly Updates:

Job 04-04, Water Plan 2020 Project PLH-09, Pipeline Replacement for Lihu'e Town  
*Cushnie Construction Co., Inc. has started the Lihu'e Town pipeline replacement project, which is part of Water Plan 2020 that will be replacing old pipeline in Lihu'e Town on the south side of Rice St. from Umi to Kalena Streets. The work started from September 1, 2009 and will end April 19, 2010.*

*Note that affected residents and businesses were sent hand delivered notices of this meeting from Cushnie Construction Co. Inc. A press release was also done.*

Contractor made the first connection of the new waterline to the existing Lihue system near Umi and Ewalu Streets on November 4, 2009. This section of the project was delayed due to inclement weather.

Contractor has begun installation of new waterline along Kalena Street. The completion of the lower portion of project is estimated to be in early 2010.

Judith (Taafuli) Webb:

Ms. Webb's Waiver, Release and Indemnity Agreement was recorded at the Bureau and submitted to the DOW. Ms. Webb has also paid her outstanding balance of \$3,645.65 for a water bill adjustment for the leak on the property on October 29, 2009. As these were the last 2 requirements, Ms. Webb was allowed to apply for her water meter on October 29, 2009.

Also, the Department is working with her on a separate issue; whereby, there is still her outstanding request to refund her deposit for a fire hydrant meter installation that she paid, the DOW installed for her, but she did not use.

DOW Auction:

The DOW's auction was held on Monday, October 19, 2009 and the a report was submitted to the Board for their information, which showed that \$18,629.27 was collected from the auction. The shaded area of the report showed the items that did not sell. We may be checking with various scrap metal companies to see if we can sell some of the leftover meters.

Current Personnel Activities:

1. Water Inspector I (2 positions): The two Waterworks Inspectors started on October 26, 2009 and November 2, 2009.
2. Civil Engineer I interview questions being finalized. Interview date to be determined.
3. Pipefitter Helper: Interviews held; interview ratings to be finalized; selection pending.
4. Water Service Supervisor (WSS) III: We are working on updating the Water Service Supervisor III position description to include the Water Distribution System Operator Certification Grade III and update other minimum requirements. There is currently one vacancy, and we hope to acquire a list of eligibles after the WSS III position update is finalized.
5. Ops Re-org Proposal Revision: Met with the Department of Personnel Services (DPS) on Wednesday, November 4, 2009 to discuss the revisions to the previous Ops Re-Org proposal. Got direction from DPS and need to follow-up with more research.

Status on the Department of Water's Deputy Manager-Engineer:

Congratulations to our own William "Bill" Eddy!! He was offered and has accepted our Deputy Manager-Engineer position and has officially started in that capacity on Monday, November 2, 2009 and is now nestled in his new office.

Bill will be wearing two hats, Deputy Manager and Acting Chief of Operations, until such time that his old position can be filled.

Mr. Crowell moved to receive the Manager's Update and place it on file, seconded by Mr. Costa; by a unanimous vote, motion was carried.

**Re: Report of the Finance Committee of the Kaua'i County Board of Water Supply**

Finance Chair Nishimura reported that at the November 19, 2009 Finance Committee Meeting, the Committee approved: 1) the draft Annual Audit that was presented by KMP, LLC; 2) the amended proposed project list for the bond issue; and 3) the proposed rule amendments, Part IV, Sections I, II, III, IV, V, VI and X to the Rules Committee for consideration.

Finance Chair Nishimura stated that due to a conflict of interest with the Claims Payable that included a payment to his company, Mr. Nishimura recused himself from the voting process for this agenda item.

Mr. Costa moved to receive the Finance Committee Report and place on file, seconded by Mr. Oyama; by a unanimous vote, motion was carried.

**Re: Report of the Rules Committee of the Kaua'i County Board of Water Supply**

Rules Chair Crowell reported that at the November 19, 2009 Rules Committee Meeting, the Committee approved the proposed rule amendments, Part IV, Sections I, II, III, IV, V, VI and X and forwarded it to the full Board to schedule a Public Hearing.

Mr. Costa moved to receive the Rules Committee Report and place on file, seconded by Mr. Oyama; by a unanimous vote, motion was carried.

**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).***

**REVIEW OF EXECUTIVE SESSION MINUTES:** None.

Mr. Nishimura moved to defer Executive Session Item No. ES-2007, seconded by Mr. D. Fujimoto; by a unanimous vote, motion was carried.

1. 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 and/or liabilities, claims and/or potential claims, as they relate to the foregoing and to take such action as the Board deems appropriate.

There was no Executive Session at this Board Meeting.

**ADJOURNMENT:**

There being no further business, Mr. D. Fujimoto moved to adjourn the meeting at about 2:00 p.m., seconded by Mr. Crowell; by a unanimous vote, motion was carried.

Respectfully submitted,

Rona Miura, Secretary

APPROVED:

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

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