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COUNTY OF KAUAI
BOARD OF WATER SUPPLY
PUBLIC HEARING

Wednesday, November 23, 2011

10:10 - 10:19 a.m.

Second Floor, Microbiology Lab Building

Kauai County Department of Water

4398 Pua Loke Street

Lihue, Kauai, Hawaii 96766

REPORTED BY:

TERRI R. HANSON, CSR 482

Registered Professional Reporter

1 APPEARANCES

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BOARD MEMBERS:

Roy Oyama, Chair

Larry Dill

Daryl Kaneshiro (arrived at 10:17 a.m.)

Raymond McCormick

Randall Nishimura

STAFF:

David Craddick

Deputy County Attorney Andrea Suzuki

Marites Yano

Faith Shiramizu

Dustin Moises

Val Reyna

Keith Aoki

Edward Doi

Becky Malapit

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PUBLIC HEARING

CHAIRMAN OYAMA: It's 10 after 10:00.

We're starting with the public hearing. And I'm going to pass along to our chief engineer, David Craddick, to run through as a presenter to present the hearing. Okay? Is that all right?

MR. NISHIMURA: Yes sir.

MS. SUZUKI: Is that what you agreed to? We have a script right here.

CHAIRMAN OYAMA:: Yes.

MS. SUZUKI: Start at the beginning. So you just read --

CHAIRMAN OYAMA: You just want me to read it?

MS. SUZUKI: Just read that first paragraph, and I'll read the rest.

CHAIRMAN OYAMA: Okay. I'll read the first. Okay. All right, here we go. Thank you. Okay.

A public hearing will be today, Wednesday, November 23rd, 2011, regarding the corrections to the proposed amendments to the Rules and Regulations of Part IV, affecting Sections I, V, and new Section XI, which will be more specifically stated when the public hearing notice is read shortly.

Copies of the proposed rule amendment are

1 available. Our legal counsel will now explain the
2 procedures that will apply to this hearing. Thank you.

3 MS. SUZUKI: The board will follow the
4 following procedures as laid out in Part I, Section VI,
5 Subsection III of the Department of Water, County of
6 Kauai, Rules and Regulations in holding this public
7 hearing.

8 A presentation will first be made by the
9 department regarding the proposed rules that are the
10 subject of today's hearing. The department will then
11 ask if there are any questions the board may have
12 regarding the department's presentation.

13 The board will then take public testimony.
14 Which there's a signature that's out there.

15 MS. SHIRAMIZU: Nobody.

16 MS. SUZUKI: If anyone wants to testify,
17 fill out the signature list. I see that no one is in
18 the room.

19 If anyone is going to testify, state your name,
20 address, organization you're representing, and if you're
21 a registered lobbyist.

22 Limit your comments to the subject matter of
23 today's public hearing.

24 Refrain from direct questioning of the board
25 and direct any remarks or questions to the chair.

1 Anyone speaking may be subsequently subject to
2 questioning. And questions by the board shall be
3 permitted only at the discretion of the chair.

4 The three-minute rule will be followed
5 regarding all testimony. So testimony should be limited
6 to three minutes. If you don't complete your testimony,
7 you will be given another opportunity to speak what you
8 want to say.

9 And the board shall not be bound by any
10 technical rules of evidence. Thank you.

11 Any questions? No.

12 CHAIRMAN OYAMA: Okay. The public meeting
13 is now open. The purpose of this hearing is for the
14 Board of Water Supply to hear testimony and take action
15 relating to the corrections to the proposed amendments
16 to the Rules and Regulations of Part IV, Section I, V,
17 and new Section XI.

18 Will the secretary please conduct a roll call
19 of the commissioners and read the hearing notice,
20 please.

21 MS. MALAPIT: Oh, that's me.

22 CHAIRMAN OYAMA: Yes.

23 MS. MALAPIT: Roy Oyama.

24 CHAIRMAN OYAMA:: Here.

25 MS. MALAPIT: Michael Dahilig. Larry Dill.

1 MR. DILL: Here.

2 MS. MALAPIT: Daryl Kaneshiro. Clyde
3 Nakaya. Raymond McCormick.

4 MR. McCORMICK: Here.

5 MS. MALAPIT: Randall Nishimura.

6 MR. NISHIMURA: Here.

7 CHAIRMAN OYAMA: Four is a quorum.

8 MS. MALAPIT: Okay. We have a quorum.

9 CHAIRMAN OYAMA: Thank you.

10 MS. MALAPIT: My job's done.

11 CHAIRMAN OYAMA:: For now.

12 MR. CRADDICK: For the hearing notice, this
13 was advertised on November 23rd, October 22nd, 2011, in
14 the Garden Isle newspaper.

15 CHAIRMAN OYAMA: Okay.

16 MR. NISHIMURA: Point of order, Mr. Chair.

17 CHAIRMAN OYAMA: Yes.

18 MR. NISHIMURA: Do we need to have the
19 entire notice of public hearing read into the record, or
20 can we have it entered into the record by reference?

21 MS. SUZUKI: Well, usually we read it into
22 the record is what we've done in the past.

23 MR. NISHIMURA: Okay.

24 MR. CRADDICK: I can read that.

25 CHAIRMAN OYAMA: Go ahead.

1 MR. CRADDICK: Notice of public hearing and
2 it was noticed on the date that I said, Board of Water
3 of Supply, County of Maui -- or County of Kauai, will
4 hold a public hearing at the board room located on the
5 second floor of the Kauai County Department of Water,
6 Micro Lab Building at 4398 Pua Loke Street, Lihue,
7 Kauai, Hawaii, on Wednesday, November 23rd at 10:00 a.m.
8 or soon thereafter for purposes of hearing and receiving
9 public testimony and comments from all interested
10 persons regarding the following items: Proposed
11 amendments to the Rules and Regulations of the Board of
12 Water Supply, County of Kauai, State of Hawaii, Part IV,
13 fixing rates for the furnishing of water service in the
14 County of Kauai. The Section I, General Use Rates,
15 revisions to institute monthly billing instead of
16 bimonthly billing; Section V, Private Fire Service
17 Charges, section revisions to provide detailed
18 information about the method the department uses to bill
19 private fire lines; Section XI, Late Charges, new
20 section to institute a late payment fee in the amount of
21 1/2 percent against the delinquent balance for every
22 month or a fraction thereof.

23 A copy of the proposed rule amendment will be
24 mailed to any interested person who requests a copy and
25 pays the required fees for the copy and postage.

1 Requests may be made by calling the water manager's
2 office at 245-5408 or by submitting facsimile requests
3 to 246-8628. Requests may also be made up to and
4 including the date of the public hearing.

5 The proposed rule amendments may be reviewed in
6 person between the hours of 8:00 and 4:00 p.m., Monday
7 through Friday excluding State of Hawaii holidays at the
8 water manager's office. Hawaii proposed rule amendments
9 may be reviewed any time up to and including the date of
10 the public hearing.

11 All interested persons may submit data, views,
12 arguments, or other testimony orally or in writing or
13 both concerning the proposed rule amendments. Data,
14 views, arguments, or other testimony may be submitted
15 any time up to and including the date of the public
16 hearing or at the public hearing itself. Data, views,
17 arguments, or testimony may be submitted by email to
18 cbeardmore@kauaiwater.org or by facsimile to 246-8628 or
19 by US mail to the water manager's office whose address
20 is 4398 Pua Loke Street, Lihue, Kauai, Hawaii 96766.

21 The board may impose a time limit for each
22 person presenting testimony at the hearing. Should you
23 have any questions, please do not hesitate to call the
24 water manager's office at the same number.

25 Signed by the Board Chair, Roy Oyama. It's

1 dated October 22nd, 2011.

2 CHAIRMAN OYAMA: Okay. Thank you. At this
3 time Mr. Kaneshiro arrived and will be at this meeting.
4 And he will be recorded as being present.

5 MS. SUZUKI: Daryl Kaneshiro.

6 MR. KANESHIRO: Here.

7 CHAIRMAN OYAMA: Thank you. So we have
8 five present now. Okay. Let's see now.

9 I would now call upon persons signed up on the
10 sign-in sheet at the public desk and being registered,
11 taking persons. Is there anyone else here that has not
12 spoken? Excuse me. Anybody to speak? (No response.)
13 None?

14 MS. MALAPIT: There's no names on the
15 sign-in sheet.

16 CHAIRMAN OYAMA: Okay. Since there's not,
17 board members, any comments?

18 MS. SUZUKI: Read that last paragraph.

19 CHAIRMAN OYAMA: That's the public
20 testimony, right? Yeah.

21 There being no further testimony, I will close
22 the public testimony portion of the public hearing. The
23 Small Business Regulatory Review Board has determined
24 that the department need not return to the review board
25 unless substantive changes were made to the proposed

1 amendments after the public hearing.

2 The public hearing is now closed. Thank you
3 for coming. Thank you. We're done.

4 (Concluded at approximately 10:19 a.m.,
5 November 23, 2011.)

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1 STATE OF HAWAII)
) ss.
2 COUNTY OF KAUAI)

3 I, TERRI R. HANSON, RPR, CSR 482, do hereby
4 certify:

5 That on Wednesday, November 23, 2011, at 10:10
6 a.m. that the foregoing PUBLIC HEARING, County of Kauai,
Board of Water Supply, was held;

7 That the foregoing proceedings were taken down by
8 me in machine shorthand and were thereafter reduced to
9 typewritten form under my supervision; that the
10 foregoing represents to the best of my ability, a true
and correct transcript of the proceedings had in the
foregoing matter.

11 I certify that I am not an attorney for any of
12 the parties hereto, nor in any way concerned with the
cause.

13 DATED this 10th day of December, 2011, in Kapaa,
Hawaii.

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15 _____
16 TERRI R. HANSON, CSR 482
Registered Professional Reporter

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