

BOARD OF WATER SUPPLY of the COUNTY OF KAUA'I

REGULAR MEETING

Second Floor, Microbiology Lab Bldg
Kaua'i County Department of Water
4398 Pua Loke Street, Līhu'e, Kaua'i, Hawai'i 96766

THURSDAY, OCTOBER 9, 2008

9:05 a.m.

or thereabouts

A Public Hearing will be held at 10:00 a.m., Thursday, October 9, 2008 on a proposed rule amendment.

A. CALL TO ORDER

B. ROLL CALL

C. ACCEPTANCE OF AGENDA

D. MEETING MINUTES:

1. Regular Meeting: September 16, 2008

E. CORRESPONDENCE/ANNOUNCEMENTS

F. OLD BUSINESS

1. Status Report from Kukui'ula Development Company (Hawai'i) LLC on their Projects: 1) Subdivision Y Cottages, S-2005-25, TMK: (4) 2-6-016: 016 thru 088; and, 2) Subdivision Y Custom Home Sites, S-2005-25; and, 3) Subdivision M1/M4 Custom Home Sites, S-2005-21, Kukui'ula, Development, Kukui'ula, Kaua'i, Hawai'i
2. Request Board Approval to Clarify the Motion made at the December 13, 2007 Board for Agenda Item: "Revised Appeal to November 20, 2007 Agenda Item – Update Report on November 20, 2007 Agenda Item on the Request to Testify by Benjamin Garfinkle Regarding DOW Conditions of Tentative Subdivision Approval for Boundary Adjustment (Consolidation and Resubdivision), TMK Nos. (4) 4-2-03:12, 65 and 66"
3. Request to Testify by Eleanor M. Cox for Subdivision of Lot 37-D, Portion of the Consolidation of Portion of Grant 11224 (Abandoned Railroad Right of Way), Lot 37, Grant 6226, and Lot 38, Grant 6216, into Lot 37-D-1 and Lot 37-D-2, S-2005-26, TMK: (4) 2-7-05: 28, 'Oma'o, Kaua'i, Hawai'i

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F. OLD BUSINESS (cont'd)

4. Request to Testify by Mr. James Hasenyager on Private Water System for Brydeswood Agriculture Subdivision Phase II (S-93-50) and Phase III (S-2006-04), TMK: 2-4-007:002 & 020, Kalaheo, Koloa District, Island of Kaua'i
5. Manager's Top 4 Goals for the Kaua'i Department of Water
6. Request to Amend the Board Approval of the Contract Amendment for Job No. 98-2 (KP-07 & KP-08), 16-Inch Waterline Replacement along Poipu Road, Koloa, Kauai, Hawai'i
7. Request Board Approval for a Time Extension Amendment for Contract No. 460, Job No. 05-03 (KW-25), Kapilimao 0.5 MG Storage Tank, Kekaha-Waimea Water System, Kekaha, Kauai, Hawai'i
8. Request Board Approval for a Time Extension Amendment for Contract No. 466, Job No. 06-01, AMFAC Shaft 11 Renovation, State Well #5842-02, Kekaha, Kauai, Hawaii
9. Request Board Approval of Amendment No. 3 for Job No. 02-14 (WP 2020 Project Nos. WK-09 and WK-08), Kapa'a Homesteads 0.5 MG Storage Tank and Kapahi 1.0 MG Storage Tank and Connecting Pipelines, Wailua-Kapa'a Water System, Kapa'a, Kaua'i, Hawai'i
10. Discussion, deliberation and decision-making or action regarding steps, actions, procedures and processes necessary to select a new Manager and Chief Engineer for the Kauai Water Department

G. NEW BUSINESS

1. Preparation to Complete and Finalize Annual Job Performance Evaluation for Acting Manager & Chief Engineer by November 1, 2008
2. Request Board Approval of a Conveyance of Water Facility from Scott H. Oakley, John C. Putnam II and Robin N. Putnam; for the Water Service Installation for Lot 5-A-2-A, Unit 2, TMK: (4) 4-2-22:014, Wailua, Kawaihau District, Kauai, Hawai'i
3. Request Board Approval of a Conveyance of Water Facility from John Sanchez Trust; for the Water Meter Plan Servicing Lots 139-B-3-C and 139-B-3-D, TMK: (4) 4-4-15:001 and 002 (S-2006-50), Wailua, Kawaihau District, Kauai, Hawai'i

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H. REPORTS

1. Statement of Kaua'i County Water Department's Revenues and Expenditures
2. Report by the Public Relations Specialist on a Monthly Update Regarding DOW Public Relation Activities
3. Acting Chief of Operations' Summary Report on the Monthly Operational Maintenance Agreement
4. For the Board's Information on the Kauai County Water Department Briefing on Departmental Projects
5. Manager's Monthly Update Regarding Activities of Note of the Kaua'i County Water Department
6. Report of the Finance Committee of the Kaua'i County Board of Water Supply
7. Report of the Rules Committee of the Kaua'i County Board of Water Supply
8. Report of the Sub-Committee of the Whole Committee of the Kaua'i County Board of Water Supply

I. STRATEGIC AND BUSINESS PLAN AND NEEDS ASSESSMENT

1. Updates on the Kaua'i Water Department for their Strategic and Business Plan and Water Plan 2020 Program Sustainability Services
 - a. Update of Strategic Goals and Implementation Status Report from the Issue Champions
 - b. Affordable Housing

J. 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).

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J. EXECUTIVE SESSION (cont'd):

1. REVIEW OF EXECUTIVE SESSION MINUTES:
 - a. Regular Meeting:
 - Thursday, June 5, 2008, Part 1 & 2
 - b. Regular Meeting:
 - Tuesday, July 15, 2008, Part 1 & 2
 - c. Special Meeting:
 - Tuesday, July 29, 2008, Part 1 & 2
 - d. Regular Meeting
 - Thursday, August, 14, 2008
 - e. Regular Meeting
 - Tuesday, September 16, 2008

OLD BUSINESS:

2. ES-2008-4 (5-8-08) - 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 and department staff regarding Benjamin Garfinkle's request for Board Approval to Clarify the Motion made at the December 13, 2007 Board for Agenda Item: "Revised Appeal to November 20, 2007 Agenda Item- Benjamin Garfinkle Regarding DOW Conditions of Tentative Subdivision Approval for Boundary Adjustment (Consolidation and Re-subdivision), TMK (4) 4-2-03:12, 65 and 66. 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.
3. 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.
4. ES-2008-11 (9-16-08) - Pursuant to Hawaii Revised Statutes Sections 92-4 and 92-5(a)(4), the purpose of this executive session is to consult with legal counsel regarding Eleanor Cox's Request to Testify for Subdivision of Lot 37-D, Portion of the Consolidation of Portion of Grant 11224 (Abandoned Railroad Right of Way), Lot 37, Grant 6226, and Lot 38, Grant 6216, into Lot 37-D-1 and Lot 37-D-2, S-2005-26, TMK: (4) 2-7-05: 28,

NOTE: Special Accommodations for persons with disabilities are available upon request five (5) days prior to the meeting date. Please call the Department of Water, County of Kaua'i, at 245-5408 or drop by at 4398 Pua Loke Street, Līhu'e, Kauai. Our mailing address is P. O. Box 1706, Līhu'e, HI 96766.

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J. EXECUTIVE SESSION (cont'd)

‘Oma‘o, Kaua‘i, Hawai‘i. This consultation involves consideration of the process, duties, privileges, immunities, and/or liabilities of the Board and the County as they relate to this agenda item.

5. ES-2008-9 (9-16-08) - Pursuant to Hawaii Revised Statutes Sections 92-4 and 92-5(a)(4), the purpose of this executive session is to consult with legal counsel regarding claims. This consultation involves consideration of the process, duties, privileges, immunities, and/or liabilities of the Board and the County as they relate to this agenda item.
6. ES-2008-10 (September 16, 2008) - Pursuant to Hawaii Revised Statutes Sections 92-4 and 92-5(a)(4), the purpose of this executive session is to consult with legal counsel regarding qualification of Board members. This consultation involves consideration of the process, duties, privileges, immunities, and/or liabilities of the Board and the County as they relate to this agenda item.
7. ES-2008-12 (October 9, 2008) - Pursuant to Haw. Rev. Stat §§92-4 and 92-5(a)(2), the purpose of this executive session is to consider the Job Performance Evaluation of the Department of Water’s Manager and Chief Engineer. This deliberation involves matters affecting the privacy of the Manager and Chief Engineer. This consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Board and the Department as they relate to this agenda item
8. ES-2008-8 (June 5, 2008)– Pursuant to Hawaii Revised Statutes Sections 92-4 and 92-5(a)(2), (4), (6) and (8), one of the purposes of this executive session is to consider matters that require confidentiality under state law, to wit, to meet with the Board’s legal counsel with regard to the Board’s powers, duties, privileges and immunities and/or liabilities, claims and/or potential claims, as such powers, duties, privileges and immunities and/or liabilities, claims and/or potential claims as they relate to the selection of an individual to be given supervisory and/or managerial and/or developmental and/or consultation duties over the Kauai Department of Water and/or the Kaua‘i Department of Water’s Water Plan 2020. The further purpose of this executive session is to meet with the Board’s legal counsel on questions and issues relating to the Board’s powers, duties, privileges and immunities and/or liabilities, claims and/or potential claims, as such powers, duties, privileges and immunities

K. ADJOURNMENT