

REGULAR MEETING MINUTES
BOARD OF WATER SUPPLY
Thursday, October 9, 2008

The Board of Water Supply, County of Kaua'i, met in regular meeting at its office in Lihu'e on Thursday, October 9, 2008. Chairperson Roy Oyama called the meeting to order at ~~10:15~~ 9:32 a.m. On roll call, the following answered present:

BOARD: Mr. Roy Oyama, Chairperson
Mr. Ian Costa
Mr. Leland Kahawai
Mr. Randall Nishimura

Absent & excused: Mr. Dee Crowell
Mr. Donald Fujimoto
Mr. Steven Kyono

STAFF: Ms. Wynne M. Ushigome
Mr. Paul Ganaden
Mr. Gregg Fujikawa
Mr. William Eddy
Mr. Keith Fujimoto
Mr. Bruce Inouye
Ms. Faith Shiramizu
Ms. Amy Esaki
Mr. Edward Doi
First Deputy County Attorney Harrison Kawate

GUESTS: Mr. Lindsay Crawford, Kukui'ula Development LLC (left at about 10:15 a.m.)
Mr. Thad Bond, Kukui'ula Development LLC (left at about 10:15 a.m.)
Mr. Max Graham, Mr. Garfinkle's Legal Counsel (left at about 10:58am.)
Mr. Ben Wellborn, Mr. Garfinkle's consultant (left meeting at about 10:58 am.)

AGENDA

Acting Manager Ushigome requested that Old Business F3, Request to Testify by Eleanor M. Cox and the corresponding Executive Session No. ES-2008-11 be taken off the agenda as per the request of the Applicant's consultant and that Old Business F4, Request to Testify by James Hasenyager on Private Water System for Brydeswood Agricultural Subdivision Phase II (S-93-50), Phase III (S-2006-4) be deferred to the November 13, 2008 Board Meeting as per the request of the Applicant.

Mr. Nishimura moved to approve the Agenda, as amended, seconded by Mr. Costa; motion was carried.

MINUTES

The following corrections were needed for the minutes of the Thursday, September 16, 2008 Board Meeting:

1. Page 3, 4th Paragraph under Mr. Crawford:

“Acting Manager Ushigome added that with the disparity of the tank elevations, there is a loss of about 40,000 gallons of water. She explained that the Piwai Tank is a control tank that turns the wells on and off and not necessarily intended to increase storage capacity.”

2. Page 3, 6th Paragraph under Mr. Crawford:

“Mr. Crawford’s surveyor said that the elevations relative to the project benchmarks are correct on-site; however, there may be a discrepancy between the starting elevation of the project benchmark.”

3. Page 19, 5th Paragraph:

“Mr. Costa moved to ask the Department to work with the DAGS if they still can use the appropriated funds and what is the time frame to get the project back on track and to report back at the next Board Meeting, seconded by Mr. Nishimura; motion was carried.”

Mr. Nishimura moved to receive the corrected Regular Meeting minutes of Thursday, September 16, 2008 and place on file, seconded by Mr. Costa; motion was carried.

CORRESPONDENCE: None

OLD BUSINESS

Re: Status Report by Kukui’ula Development Company (Hawai’i) LLC

Mr. Lindsay Crawford of Kukuiula Development Company (Hawai’i) LLC was present at the meeting.

Acting Manager Ushigome submitted the following report:

Kukui’ula submitted a monthly status update on their project that was given to the Board.

A representative from Kukui’ula Development Company (KDC) will be present at the Thursday, October 9, 2008 Board Meeting to answer any questions. As part of their Approval of a DOW Waiver, Release & Indemnity Agreement Request for: 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*, the Board requested monthly status updates on Kukui’ula’s project.

Kukui’ula submitted a revised construction schedule to remedy the Piwai control tank’s spillway elevation problem and is analyzing options to correct the problem. They submitted the Piwai 0.1 MGD Temporary Storage Tank Spillway Solution Schedule, which was submitted electronically on October 1, 2008.

Loss of storage capacity in the Lawa’i-’Oma’o system is especially problematic since this service area has a two (2) meter restriction per existing lot of record.

Alternative #1 - "Do nothing" and pay for lost storage at the Akemama Tank places the burden on our existing water customers. The decrease in storage volume in the Akemama Tank is about 40,000 gallons.

Alternative #2 - "Add altitude valve or pressure reducing, pressure sustaining valve to increases the complexity of operating the water system from the Water Department's perspective, however, it is probably the least costly and fastest option for Kukui'ula.

Based on Kukui'ula's estimate, raising the tank's spillway will take about seven (7) months to fix. The Department will not accept conveyance of the Piwai improvements until the system is fully operational and the Akemama Tank storage capacity is restored to its original volume.

Mr. Crawford:

Mr. Crawford stated that the little changes from last month are that:

1. They successfully completed most of the water system improvements with the exception of the 425 pressure zone waterline and the 2 Manuhonuhonu tanks. Lastly, they are trying to get KIUC power to the 2 tanks, which will be done in about one month or so.
2. They still have the problem with the Piwai Tank.
3. Conveyance documents are still being reviewed by the DOW.
4. He gave his thanks for the signed Waiver, Release and Indemnity Agreement for the Plantation Core and their residential project. They had 10 residential Waivers and may have about 10-12 more for the 2nd phase. Mr. Crawford stated that he only wants to use the Waiver process for the few starting homes and hopes that the conveyance documents will be done soon to eliminate the Waiver process.
5. Water Master Plan Update: A meeting has been setup with Kukuiula and the DOW for next week Wednesday to discuss their updated Water Master Plan.
6. Commercial and residential openings and occupancy: Kukuiula Commercial Village is planned to open about May, 2009. The first residential homes are scheduled for construction soon, with occupancy in about a year to year and a half or so away.
7. Plantation Core (amenities that include the club, spa, and golf course clubhouse) broke ground last month, which will take about 2 years to build.

On query by Mr. Kahawai, Mr. Crawford stated that there were about 30-40 building permits that were associated with the Plantation Core Project.

Also on query by Mr. Kahawai, Mr. Crawford stated that Subdivision Y had about 10 cottages, with 3-4 building permits associated with each cottage due to the main house, detached garage, and pool, etc.

Piwai Tank

On request of the Board at the last Board Meeting, Mr. Crawford submitted a schedule of events for the process to resolve the difference in the spillway elevations of the Piwai and Akemama Tanks.

The schedule of events had different resolution scenarios and its construction timeline. The most difficult alternative is to knock the top off the tank and add the 3 feet \pm the elevation, etc.

The agenda for the meeting scheduled next week with Kukuiula, their consultant and DOW is to go over all of the alternatives, its pros and cons, and figure out what is the best solution. They want to select a solution and hope to move on by the end of October, 2008.

Mr. Crawford discussed that if they do plan to reconstruct Piwai Tank, by the time they design and build it, and only if they can fast track all phases, they expect to finish about May, 2009. He added that it is very important for them to finish this project in a timely manner as per discussion with the DOW staff, this would need to be done before they can get meters for their project.

On query by Chair Oyama, Mr. Crawford will research if further permitting would be necessary in order to reconstruct the tank.

Mr. Crawford added that to start discussions, he included in his monthly report that the opening of their commercial center is now in conflict with the timetable of the resolution of the Piwai Tank situation.

Acting Manager Ushigome stated that the Piwai Tank source is important factor to our water system.

Mr. Crawford discussed that he wanted to clarify what was said at the last Board Meeting on the relationship of the existing Akemama and Piwai Tanks and the perceived loss of storage now that it is being held down 2.8 feet. He added that it was stated at the last Board Meeting that the Lawai Water System is at a loss right now because of the fact that Akemama Tank is being artificially held down. On conferring with their consultant Mr. Tom Nance, Mr. Crawford stated that Mr. Nance said that is not true. The upper 2.8 feet of the Lawai Tank, 16 feet operating height goes unused, and there is equivalent storage of 43,750 gallons of water that is down now. Mr. Nance also stated that, however, this is more than offset by the additional 100,000 gallons storage provided by Piwai Tank. The Lawai Water System has greater storage today because of the virtue of the fact that the Piwai Tank is online, even with the Akemama Tank down 2.7 feet, the Lawai Water System has greater storage and is more robust then it was before the addition of the new structure. Mr. Crawford discussed that he brought this up for discussion purposes to verify if the DOW staff agreed with Mr. Nance's perspective. He wanted to verify that there is no downside with Akemama Tank being down 2.8 feet.

With discussion between Mr. Costa and Mr. Crawford, it was summarized that with the increase of Piwai Tank's 100,000-gallon capacity and the Akemama Tank being

down 2.8 feet (equal to about 43,000 gallons); therefore, there is still an increase of about 60,000 gallons.

Mr. Crawford also discussed that if Piwai Tank goes offline for the 5-6 month period for renovations; there will be less storage than the Department had. He asked if the staff concurred with what he understood.

Mr. Fujikawa stated that the reason for the Piwai Wells were to service the KDC project in Po'ipu and it was not designed to service the Lawai/Omao area. The Lawai/Omao Water System has a 2-meter restriction with storage deficit.

Mr. Crawford stated that he understood that the Piwai Tank does not count towards storage for the Koloa/Poipu areas. He added that Kukuiula did build 3 tanks, the 2 Manuhonuhonu and Paanau Tanks that more than took care of their storage requirements for their project. From what he understood from Mr. Nance, the Piwai Tank basically receives the water, about 100,000 gallons, from the Piwai Wells, which he felt was a bonus of their requirements.

Mr. Fujikawa added that he felt it was not a bonus, as Kukuiula would not have otherwise built it. Also, he felt that the reason for the Piwai Tank is not for additional storage for Koloa/Poipu or Lawai/Omao but it was a surge tank needed to buffer the water from the Piwai Wells down to Poipu. In this case, it would not be considered as storage but the purpose of a surge tank is to maintain or control the on/off for the pumps.

Mr. Fujikawa felt that it would be best for Mr. Crawford to consult with Mr. Nance to verify the purpose of the Piwai Tank.

Mr. Crawford discussed that contrary to what was said at the last Board meeting, as Mr. Nance stated that there is no detriment to the Lawai Water System today but there is a small benefit. He added that this could be discussed further at their meeting next week on how this system would work in the next four (4) months.

Acting Manager Ushigome also discussed that operationally the Piwai pumps kick off and on in short intervals. The pumps are running at about 500 gpm and the tanks fill up in several minutes. This is not the most desirable way to run a water system.

On query by Mr. K. Fujimoto, Mr. Crawford stated that they could talk further at next week's meeting with Mr. Nance about fire protection for the commercial areas.

Mr. Nishimura expressed his concerns: 1) need to mitigate a long-term solution to the potential negative impact on the Lawai Water System, which he understood that there will be another tank in the area. On query, Acting Manager Ushigome stated that the 0.5 MG tank is presently under design with the possibility of completion in about 4 years or so. Mr. Nishimura discussed that with this new tank, the Piwai Tank may become moot; and 2) wants the DOW and Kukuiula to look at all the alternatives aside from topping of the tank.

Mr. Crawford added that it should be looked at anyways to get Akemama Tank the way it was.

Mr. Thad Bond of Kukuiula also wanted to bring up about the installation of their fire detector check meter for the Kukuiula Shopping Village Project, as there was some urgency due to health and safety issues. They needed this meter in order to test their project's firelines that surround this project.

Acting Manager Ushigome explained that typically building permits are not issued until the applicant's water requirements have been met. However, Kukuiula wanted the DOW to sign their building permits prior to completion of their water requirements. They were willing to sign the Department's Waiver, Release and Indemnity Agreement. This Waiver essentially states that Kukuiula will indemnify the DOW and the County and that they understood that there is no fire protection. With the execution of the Waiver, the DOW issued their building permits.

Acting Manager Ushigome added that she understood that Kukuiula wanted to test their firelines yesterday; which would require the installation of a fire detector check meter. However, their meter boxes were not completed so the fire detector check meter could not be installed.

Mr. Bond discussed that they have energized the water that comes around the roundabout to their project. He added that their commercial team is trying to: 1) Per NFPA Rules, they need to flush their lines with a certain quantity of water. Mr. Bond stated that the commercial team would be ok to have the meter installed for one day to flush the firelines and then have it removed; and 2) He also stated why not have the fire detector check meter stay live and have fire protection available since water is flowing within that line.

Mr. Crawford stated that they are working on the final paperwork to formally convey the 8-inch main down Western Bypass Road. The line, fire hydrants are live; therefore, he felt that if there was a fire that the Fire Department would be able to fight the fire. He added that they do not need the permits for their water meter or fire detector check meter, as all they want to do is move forward on the testing of the firelines.

Mr. Kawate stated that this specific matter was not on today's Agenda; therefore, this should be brought up at the next Board Meeting.

The secretary informed Mr. Crawford that we do have a Special Board Meeting on October 21, 2008; otherwise, our next Regular Meeting is on November 13, 2008.

Mr. Crawford added that they would also discuss this matter at their meeting with their consultant and the DOW. He apologized for bringing up this matter in an unorthodox manner but he felt that it was important, especially since it is life safety and need to think about what is the right thing to do.

Mr. Nishimura moved to receive this report, seconded by Mr. Costa; motion was carried.

Mr. Crawford and Mr. Bond both left the meeting at about 10:15 a.m. Recess: 10:15 – 10:27 a.m.

The Board recessed its Regular Meeting to hold the Public Hearing on the proposed rule amendment at the Thursday, October 9, 2008 Board Meeting at about 10:27 a.m. The Regular Meeting was called back to order at about 10:42 a.m.

Re: Request Board Approval to Clarify the Motion made at the December 13, 2007 Board Meeting 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 Re-subdivision), TMK Nos. (4) 4-2-03:12, 65 and 66”

Mr. Max Graham, Legal Counsel and Mr. Ben Welborn, Consultant were present for this agenda item.

PROJECT: Subdivision S-2006-47, Consolidation of Lots 23-A-1, 23-A-2 and 23-B, Being a Portion of Land Patent Grant 11,238 to Eula Urban Kuhns and Resubdivision of Said Consolidation into Lots 1, 2 and 3

APPLICANT: Opaekaa Falls Land Company

Acting Manager Ushigome gave an update, as bolded, in the report below:

This agenda item was deferred to the October 9, 2008 Board Meeting. The Board requested the applicants to submit a draft agreement addressing how the proposed deviations and/or modifications from the standards would properly serve the subdivision with adequate domestic, fire protection and irrigation water. The draft agreement should insure that the public interest will be adequately protected and that such modifications is reasonably necessary or expedient, and not contrary to law or the intent and purpose of the Department of Water’s Rules and Regulations.

The draft agreement was received on September 29, 2008; however, the Department has not had sufficient time to completely review the document prior to preparing this report. The Department recommends deferring this agenda items to allow the staff adequate time to review and provide comments.

EVALUATION:

This is a cursory review of the draft agreement submitted for the Opaekaa Falls Subdivision.

- On Pages 1 and 2, the title of the agreement document may be misleading and confusing since the Department already utilizes the term “Waiver, Release and Indemnity” when referring to an agreement where an applicant is requesting approval of (commercial) building permits prior to the completion of the water service connection.
- On Page 3, Paragraphs A.4.e.f.h: definition of the term “Guest House” should be clarified. In accordance with the County’s Comprehensive Zoning Ordinance (CZO), a guest house is defined as a building used for dwelling purposes by guest with a floor area of no more than five hundred (500) square feet that contains no kitchen and is located on a parcel of at least nine thousand (9,000) square feet that contains one or more dwellings.

- On Page 3, Paragraph A.4.h., the last two (2) sentences of this paragraph state, “Development on Lot 1 and Lot 3 shall not be subject to the completion of the Private Water System on Lot 2. DOW shall approve Building Permits and Zoning Permits for the construction of: three (3) dwelling units and one (1) Guest House on Lot 1; and three (3) dwelling units and one (1) Guest House on Lot 3.”
- On Page 3, Paragraphs 4.i.j, indicates the private water system shall be constructed pursuant to the specifications set forth in Exhibit A. Reference is made to the attached “Private Water System Specifications”; however, the attachment is a narrative describing the basis of design of the proposed private water system. From the Department’s perspective, specifications refer to a detailed, exact statement of particulars, prescribing materials, dimensions, and quality of work for something to be built, installed or manufactured.
- On Page 4.k., the applicant shall not be required either to construct, or post a bond for the cost of constructing the Private Water System as a condition of final approval of the Subdivision. In accordance with KCC, Section 9-3.6, Completion of Improvements, Agreement and Bond, prior to final subdivision approval, the subdivider shall either construct the improvements or enter into an agreement guaranteeing the construction of improvements and provide a bond or security. The Department recommends that this be a requirement of the Applicant prior to receiving final subdivision approval.
- On Page 4, Paragraph 4.m., indicates compliance with all the rules, standards, specifications and requirements of the State Department of Health (DOH) in the operation of a private water system. If the water system provides water to more than twenty-five people, in accordance with the Federal Safe Drinking Water Act, which is administered by DOH, the water system shall be regulated as a public water system. A public water system is defined as a system which provides water for human consumption, through pipes and other constructed conveyances if the system has at least fifteen service connections or regularly serves an average of at least twenty-five individuals daily at least sixty days out of the year. A public water system may be privately or publicly owned or operated.

The agreement did not address the following: **Since potentially more than twenty-five individuals could reside on the six (6) CPR units, once the CPR units are sold, how does the Applicant plan to monitor individual CPR unit’s occupancy status for compliance requirement annually? If the private water system serves more than twenty-five people, will this agreement require the Applicant to operate a regulated public water system under the State DOH jurisdiction?**

If it becomes a DOH-regulated public water system, the source and storage capacities would need to be upgraded to meet DOH requirements; how will the applicant address this upgrade?

Who is responsible to ensure compliance with the State and Federal requirements?

What are the penalties or consequences if proper notification to DOH is not provided?

Who is responsible to address and remedy the non-compliance?

Will the density restrictions and covenants run with the land?

For the health, safety and welfare of the New Lot Owners on the private water system, who ensures that the water capacity and fire-flow standards are adequate? Who ensures that the fire protection is maintained and reliable during an emergency?

- On Page 4, Paragraph 4.n., states the parties agree that the Department of Water will recommend final approval of the Subdivision once this Agreement is fully executed, based on the terms and conditions contained herein. In accordance with KCC, Section 9-3.6, Completion of Improvements, Agreement and Bond, prior to final subdivision approval, the subdivider shall either construct the improvements or enter into an agreement guaranteeing the construction of improvements and provide a bond or security. The Department recommends that this be a requirement of the Applicant prior to receiving final subdivision approval.
- In reference to the use of high-density polyethylene (HDPE) pipes, the applicant proposes to use HDPE pipes for all waterlines. **Currently, HDPE is not an approved material in the Water System Standards; therefore, it is recommended that the Applicants not deviate from installing either Ductile Iron, Cl. 52 or PVC C900 Cl. 150 or 200, brass pipe, or copper tubing.**

Typically, the material cost for a waterline is small compared to the associated construction and installation costs. Therefore, in the future, if the Homeowners' Association ever decides to convey the water system to the County, the cost to remove and replace the waterline would be expensive and likely prevent the acceptance and conveyance of the improvements to DOW. As such, the Department recommends that the on-site pipelines serving the CPR units should be an approved material.

Mr. Graham distributed a new revised version of the draft Agreement to the Board.

On query by Mr. Nishimura, Mr. Kawate stated that he did not receive the new revised version. Mr. Nishimura stated that the Board's previous tentative approval was based on the review and approval of the Board and the County Attorney's Office; therefore, Mr. Nishimura moved to defer this matter to the next Board Meeting on November 13, 2008, seconded by Mr. Costa.

Mr. Graham requested that before the Board defer this matter he wanted to give an overview of what transpired from last Board Meeting to present.

Mr. Graham stated at the last Board Meeting, the Board by motion, moved to preliminarily approve the request of modifications of conditions. The Board preliminarily approved the request conditioned on the drafting of an Agreement to address the DOW's nine (9) concerns. He drafted an Indemnity Agreement and submitted copies to the DOW and the Deputy County Attorney. Mr. Graham did get back comments from the DOW dated October 1, 2008 after a cursory review; therefore, the DOW did request that this matter be deferred so they could conduct a more complete review. In the meantime, Mr. Graham revised the Agreement to include the DOW's October 1, 2008 comments and submitted that revised Agreement to the Board and staff at this meeting.

Mr. Graham made the following revisions to the initial Agreement based on the DOW's comments:

1. Re-titled the Agreement to eliminate confusion: "Private Water System Waiver, Release and Indemnity Agreement"
2. Specifically defined 'guest house' to match the definition of the term as contained in the Comprehensive Zoning Ordinance.
3. To ensure responsibility, he has attached a Declaration of Conditions and Restrictions for Lot 2 of Subdivision 2006-47, which would be Exhibit B of the Private Water System Agreement. These restrictive covenants would be signed by the owner and attached to the Private Water System Agreement. The owner would also sign the Agreement that would be approved and signed by the Board.
4. Agreement would be recorded at the Bureau and would run against Lot 2 of Subdivision S-2006-47.
5. He added that the restrictive covenants not only re-incorporates the conditions that the Board imposed, it specifically requires any owner that have interest in Lot 2 or any dwelling unit on Lot 2 would be part of a community association and this restriction establish a community association and provide all the matters which would be used to govern this community association. All owners would be mandatory members of the community association. The community association would control the common property of the association, which would include the private water system. The community association would have the power to assess whatever funds it would need to operate the private water system and the community association itself.

The community association and the individual owners of Lot 2 would be bound by the water conditions and would be responsible to enforce the water conditions. They would all be obligated to comply with all requirements of all governmental agencies and, specifically, the Department of Health.

Mr. Graham stated that the above was based on a framework that the Planning Department had adopted and the Planning Commission will enforce ag requirements for agriculture subdivisions. It also includes an indemnity agreement and a requirement that restrictive covenants need to be adopted and establish community associations that have the duty and obligation, in this case, to enforce the agriculture requirements for ag subdivisions. In parallel, it would be the water conditions for Opaekaa's situation.

6. They revised the report that was previously attached as Exhibit "A", Tom Nance's water report. There were 2 revisions in that report: 1) all the water pipelines have to meet County standards (ductile iron) as they eliminated their request to use HDPE pipes; and 2) will have an alarm system as requested in case the water level goes below normal levels.

Mr. Graham stated that they tried to incorporate everything that the Board and the DOW requested.

Mr. Welborn added that the revised Waiver, Release and Indemnity Agreement is a comprehensive document that summarizes all of the Board's and DOW's concerns that date back to November, 2007. The Agreement includes: 1) no mixing of private/public water; 2) limitations on density of all 3 lots; 3) defining all of the characteristics that were raised; 4) the Board has no duty to upgrade the County Water System and to inherit private water systems; 5) Lots 1 and 3 that has water serviced from the County are not contingent upon the development of the private water system on Lot 2; 6) no bonding requirement for the private water system; 7) issuance of building permits; 7) this Agreement will indemnify both the Board and the DOW for this proposed water system; 8) specs for the private water system was submitted to the DOW/Board; however, the DOW does not want to review the construction drawings, which would increase our liability. Therefore, the private water system will be designed by their consultant, Tom Nance, and will be reviewed by a licensed engineer. The licensed engineer would certify the completion of the private water system. Then once the system is up and running, they will pull building permits.

Mr. Welborn requested that at the next meeting that their request is scheduled that a decision be made on this matter.

Mr. Welborn added that the requirement to comply with the Department of Health requirements is being placed on the Department of Health and not on the Department of Water.

Motion was carried.

Mr. Welborn suggested that their matter be on the November 13, 2008 Regular Board Meeting to give everyone enough time to review the revised Agreement. Mr. Kawate stated that, more importantly, the DOW staff should have enough time to review the Agreement.

Acting Manager Ushigome added that if there are any further submittals with additional information that it be submitted to the DOW at least 2 weeks prior to the next Board Meeting in order to have enough time for staff review and for a staff report. Mr. Welborn stated that there should not be any further submittals.

Mr. Graham and Mr. Welborn both left the meeting at about 10:58 a.m.

Recess: 10:58 a.m. to 11:03 a.m.

Re: Quarterly Report on Manager's Top 4 Goals for Year 2008

Recommendation: Not Applicable

Project Funding: Not Applicable

Background:

Manager's Top 4 Goals for the Year 2008:

1. Fill key departmental vacancies and improve office work area (Admin)
2. Improve internal communications-Strategic Business Plan (Admin)
3. Install AMR system (Fiscal-Special Projects-Operations)
4. Develop the Water Use and Development Plan (Water Resources & Planning)

Departmental Vacancies

Current vacancies and status of filling the positions:

Manager and Chief Engineer	The Board formed a Special Manager Recruitment Committee to draft an RFP to advertise and solicit to fill the vacancy.
EM-7 Engineer 2 EM-5 Positions	DOW's Engineering Division's reorganization action is completed.
Operations Staffing	Position descriptions and class specifications for the Ops reorganization with DPS for review and approval. Submitted the Chief of Operations positions description to DPS.
Engineer/Planner	The Department is in the process of conducting a CE I interview.
SCADA/Electronic Tech	Need to work on defining the position and finalize procuring annual maintenance contract with the SCADA system integrator.

Internal Communications

Improved communication remains an ongoing process and commitment.....it is an important goal, and I will continue to work on trying to improve open discussions and dialog with and among the staff.

AMR System

The water meter replacement project is anticipated to be completed by February 2009. The residential meters installation is almost completed. The remaining work will be to convert the larger commercial meters.

Water Use and Development Plan

No progress to report. Need to finalize consultant contract and coordinate development of the plan with the State Commission of Water Resource Management (CWRM).

On query by Mr. Nishimura, Acting Manager Ushigome stated that the timeline of all her goals is the end of 2008, as these were her yearly goals.

Mr. Nishimura moved to receive the report and place on file, seconded by Mr. Kahawai; motion was carried.

Re: 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, Hawaii

RECOMMENDATION:

It was recommended that the Board approve the first contract amendment for additional archaeological monitoring services totaling \$18,000.00 for Contract No. 374 with Kodani & Associates, Inc. for the subject project and to approve this appropriation to fund the balance required from Account 106b, CIP Reserve.

At the August 14, 2008 Board Meeting, the Department submitted a Board Report to fund the additional archeological monitoring services required for the subject project through Contract No. 464, with Kodani & Associates for "As Needed" General Engineering and Permitting Service, Job No. 98-2 (KP-07 & KP-08), 16-Inch Waterline Replacement along Poipu Road.

It was later discovered that Contract No. 464 had recently expired, therefore, we request that the additional archeological monitoring services required for the subject project be funded instead, through the currently active Professional Services Contract No. 374 with Kodani & Associates for Job No. 98-2 (KP-07 & KP-08), 16-Inch Waterline Replacement along Poipu Road, Koloa, Kauai, Hawaii.

FUNDING:

Total Funds Available; Contract No. 374,
Kodani & Associates, Inc., Job No. 98-2, (KP-07 & KP-08),
16" Waterline Replacement along Poipu Road
Koloa, Kauai, Hawaii \$ 141,500.00

Contract No. 374, Kodani & Associates \$ 139,200.00
Contract Amendment #1 \$ 18,000.00
Total Required \$ 157,200.00

Additional Funds Requested, Account No. 106b, CIP Reserve..... <\$ 15,700.00>

Contract 374 Total Amount \$157, 200.00

Background:

On February 28, 2007, partial human skeletal remains of two individuals were inadvertently discovered by the construction contractor, Goodfellow Bros., Inc., while excavating for the waterline connection at Sta. 66+67± (vicinity of the junction of Poipu Road and Kuai Road). The find was promptly reported to the State Historic Preservation Division (SHPD), the Kauai Police Department and the Kauai County Coroner. After consultation with SHPD, the remains were temporarily curated at the Goodfellow Brothers field office in Koloa. The remains were subsequently reinterred by SHPD officials at an interment site on the grounds of the Wailua Golf Course. A report on this find was prepared and submitted to the SHPD and approved by that agency.

The original fee proposal for archeological monitoring services does not include inadvertent burial discoveries encountered during the monitoring of the project, including the discovery of human remains.

Mr. Nishimura moved to approve the first contract amendment for additional archaeological monitoring services totaling \$18,000.00 for Contract No. 374 with Kodani & Associates, Inc. for the subject project and to approve this appropriation to fund the balance required from Account 106b, CIP Reserve and to approve the additional archeological monitoring services required for the subject project be funded instead, through the currently active Professional Services Contract No. 374 with Kodani & Associates for Job No. 98-2 (KP-07 & KP-08), 16-Inch Waterline Replacement along Poipu Road, Koloa, Kauai, Hawaii, seconded by Mr. Costa; motion was carried.

Re: 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, Hawaii

RECOMMENDATION: It was recommended that the Board approve the first contract amendment for this project to extend the time of completion from December 14, 2007 to December 31, 2009.

FUNDING: Not applicable

BACKGROUND:

Brown and Caldwell, consultants for this project, required additional time to complete this project. The project is ready for construction and engineering support during construction is the only consultant activity remaining from the original scope of work.

Permit processing, most notably for County Use, Zoning and Building permits, took much longer than originally planned, and the start of construction has been correspondingly delayed.

It is recommended that the Board approve the first amendment such that the contract will be valid throughout the project construction period.

Mr. Nishimura moved to approve the first contract amendment for this project to extend the time of completion from December 14, 2007 to December 31, 2009, seconded by Mr. Costa; motion was carried.

Re: 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

RECOMMENDATION: It was recommended that the Board approve the third contract amendment for this project to extend the time of completion from June 30, 2008 to January 31, 2009.

FUNDING: Not applicable

BACKGROUND:

Brown and Caldwell, consultants for this project, required additional time to complete this phase of the project. Unusually wet weather in the Spring of 2008 delayed the

start of field work. Water quality sampling and testing, which was part of the field work, indicated that the well water may be under the influence of surface water. As a result, supplemental water quality testing, which was not contemplated during development of the project schedule, is currently underway.

The original scope of work was to culminate in the preparation of a Basis of Design report and a Department of Health engineering report. Those reports cannot be completed until results from the supplemental water quality testing are available.

It was recommended that the Board approve the third amendment to provide additional time for report completion due to delays from severe weather and supplemental water quality testing.

Mr. Costa moved to approve the third contract amendment for this project to extend the time of completion from June 30, 2008 to January 31, 2009, seconded by Mr. Kahawai; motion was carried.

Re: 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

Recommendation:

It was recommended that the Board approve Amendment No. 3, to use a portion of the contingency in the budgeted engineering funds for Project No. WK-09 (Kapa'a Homesteads 0.5 MG Storage Tank) and Project No. WK-08 (Kapahi 1.0 MG Storage Tank)

Funding:

Budget Amount Projects WK-08 and WK-09

Account No. 301, FRC CIP	\$660,078.00
Original Contract	\$256,700.00
Amendment No. 1	\$354,978.00
Amendment No. 2	<u>\$ 10,000.00</u>
Subtotal	\$621,678.00
Amendment No. 3.....	<u>\$ 19,000.00</u>
Total Contract.....	<u>\$640,678.00</u>
Remaining Balance	<u>\$ 19,400.00</u>

Background:

The Department of Water would like to investigate the feasibility of constructing a 1.0 MG water storage tank in the westerly portion of TMK 4-6-32:12 (Porter's Condominium site). The initial step in this investigation, obtaining topographic mapping of the proposed site, will be the scope of work for Amendment No. 2. The fee estimate for this work is \$19,000.00, which is commensurate with the scope of work and within the remaining amount in the budget for Projects WK-08 and WK-09. Therefore, approval was recommended for use of \$19,000.00 of the remaining funds. Mr. Nishimura recused himself from this matter due to a potential conflict of interest. Since there was no quorum to take up this matter, Mr. Costa moved to defer this matter

to the Special Board Meeting on October 21, 2008, seconded by Mr. Kahawai; motion was carried.

Re: 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

Mr. Kawate requested that this matter be deferred to the next Board Meeting. Mr. Nishimura moved to defer this matter to the Special Board Meeting on October 21, 2008, seconded by Mr. Costa; motion was carried.

NEW BUSINESS:

Re: Job Performance Evaluation of the Manager and Chief Engineer

This matter will be taken up after Executive Session.

Re: 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, Hawaii

It was recommended that the Conveyance of Water Facility document be approved; whereby, Scott H. Oakley, John C. Putnam II and Robin N. Putnam, transfer unto the Board of Water Supply, County of Kauai, all of its right, title and interest to: one (1) each, 1-inch copper single service lateral for 5/8" water meter, for the Water Service Installation for Lot 5-A-2-A, Unit 2, TMK: (4) 4-2-22:014, Wailua, Kawaihau District, Kauai, Hawaii.

Grant of Easement not required.

Mr. Costa moved to approve the Conveyance of Water Facility document from Scott H. Oakley, John C. Putnam II and Robin N. Putnam, seconded by Mr. Kahawai; motion was carried.

Re: 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, Hawaii

It was recommended that the Conveyance of Water Facility document be approved; whereby the John Sanchez Trust, transfer unto the Board of Water Supply, County of Kauai, all of its right, title and interest to: one (1) each, 1 ½-inch copper double service lateral for 5/8" water meter, 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, Hawaii.

Grant of Easement not required.

Mr. Costa moved to approve the Conveyance of Water Facility document from John Sanchez Trust, seconded by Mr. Kahawai; motion was carried.

Re: Conveyance of Water Facility from Bette M. Von Haselberg; for the Quad Water Meter Installation for Lot 8, TMK: (4) 5-2-021:008, Kilauea, Hanalei District, Kauai, Hawaii

It was recommended that the Conveyance of Water Facility document be approved; whereby, Bette M. Von Haselberg, transfer unto the Board of Water Supply, County of Kauai, all of its right, title and interest to: one (1) each, 2 ½-inch copper quadruple service lateral for 5/8" water meter, in place complete, for the Quad Water Meter Installation for Lot 8, TMK: (4) 5-2-021:008, Kilauea, Hanalei District, Kauai, Hawaii.

Grant of Easement not required.

Mr. Costa moved to approve the Conveyance of Water Facility document from Bette M. Von Haselberg, seconded by Mr. Kahawai; motion was carried.

REPORTS

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

Mr. Nishimura referenced some of our short-term investments that appear to be maturing at the end of the year; therefore, how much less income will there be over the next couple years. Waterworks Controller Ganaden replied that it would be based on cash flow that it would be re-invested.

On query by Mr. Nishimura, Mr. Ganaden stated that overall the interest is at about 4%.

On query by Chair Oyama, Mr. Ganaden stated that the County oversees and manages our investments but the interest goes into the DOW's account.

On query by Mr. Costa, Mr. Ganaden stated that as of this morning all of our investments are secured. All investments are invested per the Hawaii Revised Statutes (HRS).

Mr. Nishimura moved to receive the Statement of Kaua'i County Water Department's Revenues and Expenditures report and placed on file, seconded by Mr. Kahawai; motion was carried.

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

Public Relations Specialist Faith Shiramizu gave the following report:

DWSRF Projects: The Interim Loan Agreement for Kapilimao is now in place and we will be working on processing the necessary documents for the Kaumualli Highway 12-inch Main Replacement Elepaio Road to Huakai Road in the Kekaha-Waimea Water System.

Make a Splash Water Festival: The 2008 Make a Splash Water Festival was a great success! Set up on Thursday went quickly, as volunteers assembled at 8 am ready for the tent arrivals. The tents went up followed by the tables and benches being delivered, distributed to the designated tents and set up as needed. That portion of the set up was completed in 2 hours. The afternoon was spent on the small details in preparation for Friday morning.

Friday morning was filled with hustle and bustle as volunteers arrived early to set up their supplies in each tent. There were 21 classes from 9 schools on the island that attended. The 552 students, their teachers and chaperones enjoyed their day, as well as leaving with more knowledge about water molecules, the water cycle, point and non point pollution, water in our bodies, the spreading of germs, adhesion, cohesion and surface tension, what it takes to get water from our wells to the tap in your home, how every user affects other users, how the aquifers are recharged and how fragile our ecosystem is.

This year was even more exciting as 14 JROTC students arrived ready to participate in the speaking presentation part for 7 of the 10 activities. They were very impressive and not afraid to take on this challenge that many adults shied away from.

The day went very smoothly despite surprises as our guest speaker from Bishop Museum was delayed due to his luggage (which held all of his props) arriving late as well as 2 unregistered classes showing up unexpectedly. Everyone was accommodated and everyone was happy, only because of all our fantastic volunteers! Thanks to all who volunteered and worked at our booths, including Board Members Steven Kyono and Leland Kahawai!.....and Ian Costa? Thanks to Randy Nishimura for always being there with 'hardened water'.

Project Learning Tree: Attended a Project Learning Tree Workshop on Maui. It was held on Saturday, September 27th at the Hawai'i Nature Center in 'Iao Valley. Project Learning Tree (PLT) is a program of the American Forest Foundation and the Council for Environmental Education. PLT is similar to Project WET, providing hands on educational activities, but using the forest as a, "window on the world" to increase students' understanding of our complex environment.

Mr. Nishimura moved to receive the Public Relations Update and placed on file, seconded by Mr. Kahawai; motion was carried.

Re: SUMMARY REPORT OF MONTHLY OPERATIONAL MAINTENANCE:

For the Board's information, Acting Chief of Operations William Eddy submitted a monthly report of the DOW's Operations Division.

Mr. Nishimura moved to receive the Operational Maintenance Report and place on file, seconded by Mr. Costa; motion was carried.

Re: DOW Quarterly Projects Briefing

A written quarterly report of the status of the DOW's projects, along with an Executive Summary, was given to the Board for their information.

Kilauea Water Project:

On query by Mr. Nishimura, Acting Manager Ushigome discussed the Kilauea waterline project; whereby, the \$250,000 monies that we got from the Legislature were transferred to DAGS for their oversight of the waterline project. She explained that DAGS put that project out to bid; however, the low bid contractor could not hold his price so they started negotiations with the second low bidder. The funds were encumbered since the award of the bid was before June 30, 2008, the end of the fiscal year. Acting Manager Ushigome further explained that DAGS will be following up with a letter to the DOW on the status of the project and its funding, which was not received yet. She also explained that the breakdown of the \$250,000 funds received were \$53,000 for the design with \$197,000 remaining.

Mr. Nishimura requested that this matter be on the Special Board Meeting on October 21, 2008 if the DOW receives the letter from DAGS (*Note: Letter was not received by the Special Board Meeting; therefore, was not on that Agenda.*)

On query by Mr. Costa, Ms. Esaki gave some background information on the negotiations that are being handled by the McBryde Trust and the DOW on the ongoing Kukuiohono land/tank projects.

Mr. Kahawai moved to receive the Projects Briefing and place on file, seconded by Mr. Costa; motion was carried.

Re: Manager's Update for September, 2008 to October, 2008

CONTRACTS AWARDED BY THE MANAGER:

1. Bid for Laboratory Testing Services (UCMR2 testing of System 400 – Oct., 2008 to July, 2009)

One bid from MWH Laboratories: Total amount of testing not to exceed \$50,000.00. Funds are available from Safe Drinking Water Act Account No. 59.

PUMP INSTALLATION PERMITS SIGNED BY MANAGER: None.
WAIVER, RELEASE, AND INDEMNITY AGREEMENTS SIGNED BY THE MANAGER: None.

Affordable Housing Update: No updates to report since the September Board Meeting. The next AHTF meeting is scheduled for Monday, October 13, 2008 at the Pi'ikoi Conference Room A at 10:00 am-11am.

Outstanding Water Conservationist Award 2008:

The West Kaua'i Soil and Water Conservation District selected Carolyn O'Connell as their Outstanding Water Conservationist. Last month, we mentioned that Jerry Ornellas was the East Kaua'i Soil and Water Conservation District's Outstanding Water Conservationist.

The award ceremony and presentation will be at the Department of Water on Tuesday, October 21, 2008, at 10:00 am. Board members are welcome to come and congratulate Carolyn and Jerry for their commitment and effort to promote water conservation.

Mr. Nishimura moved to approve the Manager's Update, seconded by Mr. Costa; motion was carried.

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

None further to report.

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

Recess: 11:40 – 11:41 a.m. to conduct the Rules Committee.

Re: Report of the Sub-Committee of the Whole Committee of the Kaua'i County Board of Water Supply

This matter was deferred.

STRATEGIC AND BUSINESS PLAN AND NEEDS ASSESSMENT

Re: Updates on the Kaua'i Water Department's Strategic and Business Plan and Water Plan 2020 Program Sustainability Services

Acting Manager Ushigome reported on the following:

Updates of Strategic Goals and Implementation Status Report from the Issues Champion:

Issue No. 1, Morale:

- a. WATER Bucks 3rd quarter awards were presented to: Eddie Doi, Bekki Malapit, Craig Shirai, Jay Perreira and Rona Miura. Employee of the Quarter went to Bekki Malapit.

Issue No. 2, Strong and Qualified Workforce:

- a. Proceeding with interviews for a Civil Engineer I (Special Projects)
- b. In communication with Dept of Personnel Services on status of recruitment on vacancies.
- c. In communication with facilitators/trainers on various areas of training that includes communications, labor relations and safety.

Issue No. 3, Water Quality: No changes

Issue No. 4, Workplace Efficiencies:

- a. Implement State-of-the-Art Technologies for Efficient System Operation

- (1) Automated Meter Reading (AMR) System
(ongoing project that was implemented in mid-March, 2008.)
 - (a) Installations are currently being done in the Anahola, Kīlauea areas and finishing up in some other miscellaneous areas.

- (2) Geographic Information System (GIS)
 - (a) Jeff Mendez attended a 1-week training in mid-September, 2008.
 - i. Jeff is creating something called a GeoDatabase, which will group all the departments GIS information into a Geographical Database.

 - ii. He is also working on converting our Watercad Network Models into our GIS system. This will show all of our junctions and valves in the system. This is being done with the hopes of being able to move away from paper maps, and also to use GIS as the means to modeling/analyzing our Water Systems and move away from WaterCad.

Issue No. 5, Accountability: No changes

On query by Mr. Nishimura, Acting Manager Ushigome stated that IT Jeff Mendez is presently overseeing the GIS in the interim; however, there is a position, a Civil Engineer III Planner Position, in Water Resources & Planning Division that will eventually oversee the GIS. She added that this position is on Continuous Recruitment with the Department of Personnel Services. Mr. Fujikawa added that currently there is no one on the eligible list.

Mr. Nishimura moved to receive this report and place on file, seconded by Mr. Kahawai; motion was carried.

Affordable Housing:

An updated Affordable Housing Projects – Summary Status prepared by Mark Salmon with RW Beck is attached for your review.

This memorandum is a summary of progress on the Affordable Housing Projects for your reference. Please see the attached progress report for each project.

Details are provided below.

- ✓ The Kapilimao 0.5 MG Storage Tank final design is complete. The construction contract was advertised for bids on July 10, and bids were opened August 21. References, experience and share of total work for the apparent low bidder's subcontractors are being checked prior to contract award.
- ✓ AMFAC Shaft 11 Renovation Phase 1B field pump testing is complete. Preliminary indications are that well may be under the influence of surface water. KDOW has collected supplemental samples and is conducting additional lab analysis.
- ✓ Efforts to acquire a site from Mr. Yamamoto for the Kapahi 1.0 MG Tank was rejected are at a standstill. A potential new site has been identified owned by potentially more willing sellers and an investigation of that site's feasibility is beginning.

- ✓ A construction contract for the Kapa'a Homesteads 0.5 MG Storage Tank has been awarded. A DLNR CDUA extension has been requested. The contractor is acquiring the NPDES permit.
- ✓ HDR Engineering is proceeding with design of an exploratory well and an EA for Kapa'a Homesteads Well No. 4 at the Ornellas Tank site.
- ✓ Staff direction was received in August regarding final design and EA preparation for the Akulikuli Tunnel renovation. Engineering and environmental work continues.

Mark Salmon's Affordable Housing Projects' Reports:

Although not directly a part of Plan Implementation, a summary of the Affordable Housing Project activities was included for the Board's reference.

1. (KW-25), Kapilimao 0.5 MG Tank-Summary Project Status: October '08

Project Manager: Mark Salmon -- Design Consultant: Brown and Caldwell

Work underway: construction contract award

Work ahead: construction

Current Major Area of Focus: contract award and NTP

Potential obstacles: none currently

Tentative Date Project in Service: January, 2010

- Summary: Bids were opened August 21, 2008. Review of references, experience, and share of total work for the low bidder's subcontractors is underway.
- Contract Status: Amendment to extend time for contract completion is before the Board this month.
- Schedule: No issues.
- Permits: County Building permit still outstanding. Application has been made.
- Land & Easements: No issues.
- Agency Coordination: No issues.
- Problems and Proposed Mitigation: No issues.

2. (KW-28), Amfac Shaft 11 Renovation--Summary Project Status: October '08

Project Manager: Mark Salmon -- Design Consultant: Brown and Caldwell

Work underway: DOH and Basis of Design Report Preparation

Work ahead: final design, environmental/permitting, construction

Current Major Area of Focus: verifying influence of groundwater

Potential Obstacles: water under the influence of surface water – may affect project configuration

Tentative Date Project in Service: Spring 2010 (earliest)

- Summary: Supplemental samples collected for additional water quality testing on August 14. Samples undergoing testing to prove/disprove surface water influence. Results not available, no project progress from last month.
- Contract Status: Phase 1B amendment for time extension before Board this month.
- Schedule: See Problems and Proposed Mitigation below.
- Permits: No issues.
- Land & Easements: No issues.
- Agency Coordination: None.

- Problems and Proposed Mitigation: Shaft water may be under the influence of surface water. KDOW conducting additional water quality analysis.

3. (WK-08), Kapahi 1.0 MG Storage Tank–Summary Project Status – October '08

Project Manager: Mark Salmon -- Design Consultant: Belt, Collins

Work underway: site selection

Work ahead: final design, environmental/permitting, construction

Current Major Area of Focus: Final design, easement acquisition

Potential obstacles: easement acquisition from private landowner

Tentative Date Project in Service: August, 2009

- Summary: Land acquisition and tank configuration issues remain unresolved. Potential new tank site identified. Feasibility investigation of new site beginning.
- Contract Status: Final design contract executed.
- Schedule: Schedule slips as site remains undetermined.
- Permits: No issues.
- Land & Easements: Easement negotiations with Mr. Yamamoto at a standstill.
- Agency Coordination: No issues.
- Problems and Proposed Mitigation: Site not selected. Land not acquired. New site under investigation.

4. (WK-09) Kapa'a Homesteads 0.5 MG Storage Tank–Summary Status Report–October '08 Project Manager: Mark Salmon --- Design Consultant: Belt, Collins

Work underway: Construction

Work ahead: Construction

Current Major Area of Focus: Mobilization, permits

Potential obstacles: none currently

Tentative Date Project in Service: December 2009

- Summary: Bids received and opened on May 29, 2008. Contract awarded in June, 2008. County building permit still pending and construction cannot start until permit received. An extension of the CDUA permit from DLNR is being obtained. Contractor is applying for NPDES permit.
- Contract Status: No issues.
- Schedule: No issues.
- Permits: An extension of the DLNR CDUA permit is required and has been applied for.
- Land & Easements: No issues.
- Agency Coordination: No issues.
- Problems and Proposed Mitigation: No issues.

5. (WK-39) Kapa'a Homesteads Well No. 4–Summary Status Report – October '08

Project Manager: Mark Salmon

Design Consultant: HDR Engineering (Hawaii Pacific Engineers)

Work underway: Exploratory well design and EA

Work ahead: well design, environmental/permitting and construction

Current Major Area of Focus: Exploratory well design

Potential obstacles: none currently

Tentative Date Project in Service: December 2009

- Summary: Initial well siting study completed. Consultant proceeding with EA and design of an exploratory well at the Ornellas Tank Site.
- Contract Status: Phase 1 contract executed.
- Schedule: No issues.
- Permits: No issues.
- Land & Easements: No issues.
- Agency Coordination: No issues.
- Problems and Proposed Mitigation: No issues.

6. (WK-02) Akulikuli Tunnel Renovation–Summary Status Report – October ‘08

Project Manager: Mark Salmon -- Design Consultant: SSFM Int'l

Work underway: final design

Work ahead: final design, environmental/permitting and construction

Current Major Area of Focus: EA, design

Potential obstacles: water quantity and quality unknown – potential addition of treatment

Tentative Date Project in Service: June, 2011 (longer if treatment required)

- Summary: Work on EA and final design has resumed with resolution of configuration issues.
- Contract Status: No issues.
- Schedule: No issues.
- Permits: No issues.
- Land & Easements: No issues.
- Agency Coordination: No issues.
- Problems and Proposed Mitigation: No issues.

Mr. Kahawai moved to receive the above report and place on file, seconded by Mr. Nishimura; motion was carried.

EXECUTIVE SESSIONS:

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:

- Regular Meeting: Thursday, June 5, 2008, Part 1 & 2
- Regular Meeting: Tuesday, July 15, 2008, Part 1 & 2
- Special Meeting: Tuesday, July 29, 2008, Part 1 & 2
- Regular Meeting: Thursday, August 14, 2008
- Regular Meeting: Tuesday, September 16, 2008

OLD BUSINESS:

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.

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.

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.

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.

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.

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

Mr. Kahawai moved to go into Executive Session at about 11:47 a.m. for agenda items that were noticed under Executive Session, seconded by Mr. Costa.

There was no Board discussion and no public testimony. Motion was carried. Staff was excused from the meeting.

The Regular Meeting was called back to order at 12:55 p.m.

Mr. Nishimura moved to defer action on New Business G1, Job Performance Evaluation of Acting Manager Ushigome until the Special Board Meeting on October 21, 2008, seconded by Mr. Costa; motion was carried.

ADJOURNMENT: There being no further business, the meeting was duly adjourned at 12:57 p.m.

Respectfully submitted,

Rona Miura, Secretary

APPROVED:

Wynne M. Ushigome
Acting Manager and Chief Engineer

rm