

SPECIAL BOARD MEETING MINUTES
BOARD OF WATER SUPPLY
Tuesday, October 21, 2008

The Board of Water Supply, County of Kaua'i, met in special meeting at its office in Lihu'e on Tuesday, October 21, 2008. Chairperson Roy Oyama called the meeting to order at 1:00 p.m. On roll call, the following answered present:

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

Absent & Excused: Mr. Donald Fujimoto
Mr. Steven Kyono

STAFF: Ms. Wynne M. Ushigome
Ms. Amy Esaki
First Deputy County Attorney Harrison Kawate

AGENDA

Mr. Nishimura moved to approve the Agenda, seconded by Mr. Kahawai; motion was carried.

OLD BUSINESS

Re: Automated Meter Reading (AMR) Implementation for the Department of Water, County of Kauai, Fifth Contract Amendment

RECOMMENDATION: It was recommended that the Board approve the fifth contract amendment with Professional Meter, Inc. (PMI), contractors for this project, to provide four (4) – 2" turbo meters and 15 retrofits for 3" through 6" compound meters to PMI's proposal Table P1 and P2, respectively.

It was further recommended that the Board reallocate \$9,780.00 from Account No. 106B, CIP Reserve, to fund the balance required.

FUNDING:

Account No. 101, CIP, Automated Meter Reading implementation for the Department of Water \$4,219,588.66

Proposal from Professional Meter Inc., Best and final offer (BAFO), January 12, 2006: .. <\$3,764,160.00>

First contract Amendment: ... \$ 184,710.00
Second contract Amendment: ..\$ 94,182.00
Third contract Amendment: .. \$ 156,536.66
Fourth contract Amendment: \$ 20,000.00

Fifth contract Amendment: ... \$ 9,780.00<\$ 465,208.66>

Total Contract Amount..... <\$4,229,368.66>
Balance Required, Account No. 106B, CIP Reserve< \$ 9,780.00>

BACKGROUND:

The Department would like to add 4 – 2” turbo meters, which was inadvertently excluded in the initial proposal.

Additionally, the Department has determined that approximately 15 Badger compound meters are less than 5 years old, which are capable of being retrofitted with the AMR meter registers and transducer instead of being replaced. The actual meter count will be determined upon completion of the installation, at which point, the adjustment to reduce the total meter count will be made.

Professional Meters, Inc. (PMI) has submitted their proposal for \$1,080.00 for each turbo meter and \$364.00 for each retro fitted compound meter, which are reasonable.

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\$ 10,000.00

Subtotal\$621,678.00

Amendment No. 3.....\$ 19,000.00

Total Contract.....\$640,678.00

Remaining Balance\$ 19,400.00

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 is recommended for use of \$19,000.00 of the remaining funds.

Re: Request Board Approval of Resolution No. 2 (08/09) Adoption, Pertaining to State Revolving Fund (SRF) Funding for DW400-0001 Stable 1.0 MG Tank & Connecting Waterline; DW404-0003 Refurbish Eleele Steel Tanks; DW406-0002 Waimea Canyon Drive Main Replacement; DW406-0003 Kapilimao 0.5 MG Tank; DW406-0004 Waimea Well A and Kekaha Well B Renovations, Job No. 04-06, KW-05, KW-20 at Waimea and Kekaha, Kaua'i, Hawaii; DW406-0005 Kaumuali'i Highway 12-inch Main Replacement Elepaio Road to Huakai Road, Job No. 05-04, KW-27, Kekaha-Waimea, Kaua'i, Hawaii; DW413-0003 Akulikuli Tunnel Repairs; DW413-0007 Pipeline Replacement, Kapaa Homesteads; DW413-0008 Wailua Houselots Main Replacement, Ph I and II; DW415-0002 Haena Steel Tank and Wainiha Booster Pump Renovation (HW-02 & HW-03); and DW434-0003 Waha, Wawae, and Niho Roads Main Replacement, Job No. 05-07, K-07, LO-13, at Kalaheo, Kaua'i, Hawaii

Recommendation:

The Board's approval was requested again to adopt Resolution No. 2 (09/08) with clarification regarding the signatories for loan agreements. The resolution will specifically state that the Board Chair will be the signatory on the loan agreements after review by the Manager and Chief Engineer.

This resolution is required to complete Drinking Water State Revolving Fund (DWSRF) loan agreements for the various projects listed. The loan agreements are between the Board of Water Supply and the State Department of Health.

NEW BUSINESS

Re: Request to Testify by Kukuiula Development Company (Hawai'i) LLC, for Board Approval for the Installation of their Fire Detector Check Meter for the Kukui'ula Village Project, TMK: (4) 2-6-15:10, Kukui'ula, Kaua'i

Recommendation:

As stated at the October, 9, 2008 Board Meeting and to date, the detector check and water meter boxes are not completed. The Department has advised Kukui'ula Development Company (KDC) to complete its water system improvements and receive certification of completion prior to requesting additional building permit approvals.

Attached is a copy of the Waiver, Release and Indemnity Agreement executed by KDC. As you recall, the WR&I agreement allows an applicant to request building permits approval prior to completion and acceptance of the water system improvements by posting a performance bond for construction of the required improvements. By executing the WR&I Agreement, the applicant indemnifies the Department from any liability for injuries or damages that might arise out of the County's issuance of the building permit. The applicant also agrees that the water meter/fire meter service shall not be provided, that the **applicant shall not transfer title to any unit, and occupancy of said units shall not occur until a "certification of completion" is issued by the Department.**

As such, the Department recommends the Board not approve additional building permits, until the certification of completion is issued for the Kukui'ula Village project.

Technically, the water system improvements for the Kukui'ula Village should include the Piwai Wells and Tank improvements; however, since Piwai Tank spillway elevation is still being discussed, the Department requested KDC physically complete the remaining water-related items for final inspection. Also, that KDC prepare the necessary conveyance documents for the November 2008 Board meeting.

The conveyance documents shall include the as-builts, cost estimates, grant of easements (if necessary) for the Kukui'ula Village project, Poi'pu Road Round-About, Westerly Bypass Road (On and Off-site) waterline improvements, and the Paanau Tank improvements.

Re: Job Performance Evaluation of the Manager and Chief Engineer

As a requirement for the Acting Manager Wynne Ushigome to receive her upcoming pay increase, a Job Performance Evaluation needs to be conducted by the Water Board and submitted to the Department of Personnel Services by November 1, 2008. This year the deadline date is one month earlier.

To expedite the process, I have tasked Acting Manager Ushigome to do a Self-Evaluation Report, based on the County's Job Evaluation Form, which will be submitted to the Board at the Special Board Meeting that is tentatively scheduled for October 21, 2008 in Executive Session. This was the same process that was followed last year.

Her previous and present Self-Evaluation Report, along with the Board's 2007 Job Evaluation Report will be distributed prior to the Special Board Meeting.

Please note that Acting Manager Ushigome will also be submitting her quarterly status on the Manager's Top 4 Goals Report for 2008 at the October 9, 2008 Board Meeting, which is also part of her Job Performance Evaluation.

EXECUTIVE SESSION

ES-2007 (12-13-07, 2-14-08, 7-15-08) - 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.

Mr. Crowell moved to go into Executive Session as noticed on the Agenda at about 9:15 a.m., seconded by Mr. Nishimura.

There was no Board discussion and no public testimony. Motion was carried

The Regular Meeting was called back to order at 9:58 a.m.

Re: Request Board Approval for Additional Funding for Contract 474 for Special Counsel to Provide Advice, Counsel, and/or Representation in Civil Matters in the Court System including, but not limited to Administrative Law, Personnel Law, Labor and Employment Law

Mr. Kawate recommended that this Agenda Item No. 4 be deferred.

Mr. Costa moved to defer Agenda Item No. 4, seconded by Mr. Kahawai; motion was carried.

Request Motion from the Board for Reconsideration of the Motion Made at the July 15, 2008 Board Meeting on Agenda Item: Testify by A & B Properties, Inc. for a Request for Water Service, 'Ele'ele Industrial Park Subdivision, TMK: 2-1-02:051 and Eleele Residential Development Site, TMK: 2-1-02:Portion 003, 'Ele'ele, Koloa, Kaua'i, Hawaii

Acting Manager Ushigome asked for clarification of the Board's approval granting A&B Properties source capacity at the July 15, 2008 Board Meeting.

On query by Mr. Nishimura, Mr. Kawate explained the reconsideration process that even though this is not on the Agenda, a Motion by the Board can be made in order to receive clarification and reconsideration of the Board's motion at the previous July 15, 2008 Board Meeting. If there is a motion and a second, it would then be deferred to the next Board Meeting. This matter would then be on the next Regular Meeting Agenda at which time the Board could then officially act on this matter. The person who makes the motion for reconsideration would need to be someone that voted in the affirmative, on the prevailing side; the second need not be on the prevailing side. However, this matter could not be acted on today, as it needed to be properly on the Agenda at the next Board Meeting. At the next Board Meeting, the parameters of this request could be established.

Acting Manager Ushigome explained that the Department is requesting for the Board's reconsideration on the Board's motion to clarify what provision the Board had intended when they approved the source capacity of .12 MGD. There are some details to be clarified like what are the consequences if A&B exceeds the .12 MGD source allocation. Will there be a limit on their development at that point? What did the Board intend?

Mr. Crowell requested that there needed to be a written report to explain what the Department is asking and that the applicant should also be notified.

Mr. Costa moved to reconsider the A&B agenda item for discussion and clarification, seconded by Mr. Kahawai; motion was carried.

Mr. Kawate explained that once this matter is posted for the next Board Meeting, the Board could then debate the issue on whether or not they wanted to reconsider this issue at the next Board Meeting.

Mr. Nishimura moved to defer action on the main motion to the next Board Meeting, seconded by Mr. Costa; motion was carried.

Recess: 10:10 a.m. to 10:12 a.m. Acting Manager Ushigome and Ms. Esaki were excused from the meeting at this time.

EXECUTIVE SESSION

ES-2008-8 (6-05-08) – Pursuant to Hawaii Revised Statutes Sections 92-4 and 92-5(a)(2)(4)(6)(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. Costa moved to go into Executive Session as noticed on the Agenda at about 10:12 a.m., seconded by Mr. Nishimura.

There was no Board discussion and no public testimony. Motion was carried

The Regular Meeting was called back to order at 10:20 a.m.

Re: Sub Committee of the Whole Requests Board Approval Regarding Proposed Employment Parameters and/or Process Regarding Proposed Special Manager and/or Supervisor and/or Developmental Supervisor for Department Of Water and/or Water Plan 2020

Mr. Costa moved to authorize the Special Manager Recruitment Committee to proceed with a personal services contract, seconded by Mr. Crowell; motion was carried.

ADJOURNMENT:

There being no further business, Mr. Costa moved to adjourn the meeting at about 10:22 a.m., seconded by Mr. Crowell; motion was carried.

Respectfully submitted,

Rona Miura, Secretary

APPROVED:

Wynne M. Ushigome
Acting Manager and Chief Engineer

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