

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

TUESDAY, SEPTEMBER 16, 2008

10:05 a.m.

or thereabouts

A. CALL TO ORDER

B. ROLL CALL

C. ACCEPTANCE OF AGENDA

D. MEETING MINUTES:

1. Regular Meeting: August 14, 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 Board Approval for Reconsideration and Clarification 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, Hawai'i

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F. OLD BUSINESS (cont'd)

4. 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
5. 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. 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 Kauai
2. Request to Testify by Lani Nakazawa and Glenn Sato, from the Mayor's Office and Office of Economic Development, respectively, on the Results of the County Energy Survey, as it Relates to Water
3. Request Board's Consideration in Re-Prioritizing Water Plan 2020 Projects
4. Request Board Approval of an Interim Loan Agreement between the State of Hawai'i, Department of Health, Safe Drinking Water Branch, State Revolving Loan Fund and the County of Kaua'i Department of Water, for the Department of Water to Receive Funds for the Construction of the Kapilimao 0.5 MG Tank
5. Request Board Approval of Resolution No. 2, (08/09), State Revolving Fund (SRF) Loans for Designated DOW Projects for Fiscal Year 2008-09, 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 Kaunualii 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

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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G. NEW BUSINESS (cont'd)

6. Request Board Approval of Resolution No. 3 (08/09), Mahalo and Aloha Equipment Operator John Camelo
7. Request Board Suggestions for Capital Improvement Projects (CIP) Projects for Next Year's Legislative Session
8. Request to Amend Board Approval of a Conveyance of Water Facility from Kekaha Plantation Housing Partnership instead of Mark Watase for the Water Meter for Lot B-1-B, TMK: (4) 1-3-08:019 (S-2007-9), Kekaha, Waimea District, Kauai, Hawai'i
9. Request Board Approval of a Conveyance of Water Facility from Jon A. Zahaby and Jeanne R. Zahaby, Sueo Miyashiro, Christopher Karl Reimer and Cynthia Gail Riemer, and Richard F. DeMarco and Hope I. DeMarco; for the Miyashiro Farms CPR, TMK: (4) 4-4-03:008, Kapaa, Kawaihau District, Kauai, Hawai'i
10. Request Board Approval of a Conveyance of Water Facility from Larry E. and Minde M. Hine, TMK: (4) 2-4-05:154, Kikala Road, Kalaheo, Kauai, Hawai'i
11. Request Board Approval of a Conveyance of Water Facility from Wayne R. Daniel, Trustee of the Wayne R. Daniel Self-Trusteed Trust, dated February 18, 1999 and Walton D. Y. Hong, Trustee of the Walton D. Y. Hong Self-Trusteed Trust, dated November 30, 1994; for Dynasty Estates Condominium, TMK: (4) 4-4-15:003, Kawaihau District, Kauai, Hawai'i
12. Request Board Approval of a Grant of Easement and Conveyance of Water Facility from Grove Farm Company, Incorporated, for the Water Facilities for the 16-Inch Transmission Main (Kilohana 18-Inch Main to Kaumuali'i Highway 16-Inch Main), TMK: (4) 3-8-05:003 and (4) 3-4-05:001, Nawiliwili, Lihu'e District, Kaua'i, Hawai'i
13. Request Board Approval of a Right-of-Entry from Grove Farm Company and Cancellation and Termination of Easement "164" and Establishment of New Easement (295' Elevation Tank Site)

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

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H. REPORTS (cont'd)

3. Acting Chief of Operations' Summary Report on the Monthly Operational Maintenance Agreement
4. Manager's Monthly Update Regarding Activities of Note of the Kaua'i County Water Department
5. Report of the Finance Committee of the Kaua'i County Board of Water Supply
6. Report of the Rules Committee of the Kaua'i County Board of Water Supply
7. 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
 - c. Water Plan 2020 Program Sustainability Service
 - (1) Board Approval of RW Beck's Additional Services Cost

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).

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

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J. EXECUTIVE SESSION (cont'd)

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-2008-5 - Request Board Approval for Reconsideration and Clarification 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: 2-1-02:003, Portion, 'Ele'ele, Koloa, Kaua'i, Hawai'i
4. 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
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 (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 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.

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J. EXECUTIVE SESSION (cont'd)

7. 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, '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. 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.

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

K. ADJOURNMENT