

MINUTES  
BOARD OF WATER SUPPLY  
**July 22, 2021**

The Board of Water Supply, County of Kaua'i, met in regular meeting **via remote** in Lihu'e on Thursday, July 22, 2021. Chairman Gregory Kamm called the meeting to order at 10:08 a.m. The following Board members were present:

BOARD: Mr. Gregory Kamm, *Chair*  
Mr. Kurt Akamine, *Vice Chair*  
Mr. Kaaina Hull  
Ms. Julie Simonton  
Mr. Lawrence Dill  
Mr. Lester Calipjo

EXCUSED: Mr. Troy Tanigawa

Quorum was achieved with **6** members present at Roll Call.

STAFF: Manager & Chief Engineer Mark Knoff  
Deputy Manager-Engineer Judith Hayducsko  
Mrs. Mary-jane Akuna  
Mr. Jaspreet Banwait  
Mr. Michael Hinazumi  
Mrs. Jonell Kaohelaulii  
Mr. Valentino Reyna  
Mr. Marcelino Soliz  
Ms. Cherisse Zaima  
Deputy County Attorney Mahealani M. Krafft

**ANNOUNCEMENTS**

Next Scheduled Meeting: Thursday, August 26, 2021 – 10:00 a.m. via Tele-Conference

There were three (3) callers from the public who joined in the meeting.

Prior to the approval of the agenda, Manager Mark Knoff informed the commission of the following correspondence received after the agenda had been posted:

- Testimony from Tristan Gonzales, Assistant Regional Manager Goodfellow Bros. re: Job No. 15-07 WP 2020 No. HE-01 and Job No. 15-07 WP 2020 No. HE-10. Email dated July 21, 2021.

In response to Board Member Simonton, Manager Knoff stated due to the late receipt of the testimony, he would prefer it be placed on the August Board meeting agenda to allow him time to prepare for discussion.

Board member Simonton moved that the agenda remain as is, without the addition of the correspondence, seconded by Mr. Akamine; with no objections, motion carried with 6 Ayes. Chairman Kamm noted that the correspondence will be placed on the August 26, 2021 agenda.

### **APPROVAL OF AGENDA**

Board Member Simonton moved to approve the Agenda, seconded by Mr. Hull; with no objections, motion carried with 6 Ayes.

### **APPROVAL OF MEETING MINUTES**

1. Regular Board Meeting – July 22, 2021

Board Member Simonton moved to approve the Regular Board Meeting minutes of June 24, 2021 seconded by Mr. Hull; with no objections, motion carried with 6 Ayes.

### **PUBLIC TESTIMONY**

There were no registered testimonies received by email or by phone.  
There were four (4) callers from the public who joined in the meeting.

### **CORRESPONDENCE**

1. From Nikki Cristobal of Kamāwaelualani Corp. re: Koloa Water Tower Mural dated June 24, 2021.

### **CONSENT CALENDAR**

1. Manager's Report No. 22-01 Discussion and Possible Action on Rescind Board Policy 10, Temporary Assignments
2. Manager's Report No. 22-02 Discussion and Possible Action on Proposed Board Policy 23, Delegating Routine Personnel Actions from the Water Board to the DOW's Manager and Chief Engineer
3. Manager's Report No. 22-03 Discussion and Possible Action on Proposed Board Policy 25, Authorizing the County Attorney to Investigate, Settle and Pay Claims Against the Board of Water Supply, County of Kaua'i

Manager Knoff provided a brief explanation of the proposed board policies. Policy 10 is no longer applicable; Policy 23 is a clarification on the Manager's authority to sign budgeted personnel actions on the Board's behalf; Policy 25 included minor grammatical changes.

4. Manager's Report No. 22-04 Discussion and Possible Action to approve a Grant of Easement Agreement for Kukui'ula Development Company (Hawai'i), LLC, A Hawai'i limited liability company, S-2019-09, TMK: (4) 2-6-019:018, Po'ipū
5. Manager's Report No. 22-05 Discussion and Possible Action to approve a Grant of Easement Agreement for Kealakaa Partners, LLC, S-2004-33, TMK: (4) 2-3-002:108, Kalāheo

Manager Knoff explained that with both of these Grant of Easements, the grantor has requested indemnification. The language is in line with what the board has previously approved, and have been reviewed by the County Attorney's office.

Board member Hull moved to approve Manager's Report No. 22-01 Discussion and Possible Action on Rescind Board Policy 10, Temporary Assignments seconded by Ms. Simonton; with no objections, motion carried with 6 Ayes.

Board member Hull moved to approve Manager's Report No. 22-02 Discussion and Possible Action on Proposed Board Policy 23, Delegating Routine Personnel Actions from the Water Board

to the DOW's Manager and Chief Engineer seconded by Ms. Simonton; with no objections, motion carried with 6 Ayes.

Board member Hull moved to approve Manager's Report No. 22-03 Discussion and Possible Action on Proposed Board Policy 25, Authorizing the County Attorney to Investigate, Settle and Pay Claims Against the Board of Water Supply, County of Kaua'i seconded by Ms. Simonton; with no objections, motion carried with 6 Ayes

Board member Hull moved to approve Manager's Report No. 22-04 Discussion and Possible Action to approve a Grant of Easement Agreement for Kukui'ula Development Company (Hawai'i), LLC, A Hawai'i limited liability company, S-2019-09, TMK: (4) 2-6-019:018, Po'ipū seconded by Ms. Simonton; with no objections, motion carried with 6 Ayes.

Board member Hull moved to approve Manager's Report No. 22-05 Discussion and Possible Action to approve a Grant of Easement Agreement for Kealakaa Partners, LLC, S-2004-33, TMK: (4) 2-3-002:108, Kalāheo seconded by Ms. Simonton; with no objections, motion carried with 6 Ayes.

### **NEW BUSINESS**

1. Manager's Report No. 22-06 - Budget Resolution No. 22-01 for the acceptance and expenditure of grant monies from the State of Hawai'i Appropriations Act of 2019 – ACT 40, SLH 2019 in the amount of \$ 4,500,000.00 for the following projects:
  - Water Plan 2020 K-01 and K-15 Kalāheo 1,111' and 1,222' Water System Improvements, Kalāheo-Lāwa'i-'Ōma'o Water System
  - Water Plan WKK-03 MCC, Chlorination Facilities – Kīlauea Wells No. 1 & 2, Kīlauea Water System
  - Rehabilitate Paua Valley Tank #1, 0.5 MG Concrete, Waimea-Kekaha Water System
2. Manager's Report No. 22-07 - Budget Resolution No. 22-02 for the acceptance and expenditure of grant monies from the State of Hawai'i Appropriations Act of 2020 – ACT 6, SLH 2020 in the amount of \$ 9,500,000.00 for the following projects:
  - Water Plan 2020 K-01 and K-15 Kalāheo 1,111' and 1,222' Water System Improvements, Kalāheo-Lāwa'i-'Ōma'o Water System
  - Water Plan WKK-03 MCC, Chlorination Facilities – Kīlauea Wells No. 1 & 2, Kīlauea Water System
  - Rehabilitate Paua Valley Tank #1, 0.5 MG Concrete, Waimea-Kekaha Water System

Board member Hull asked what the general water system improvements and timelines are for the Kalaheo water system. Michael Hinazumi explained that these improvements are for the Kalaheo Nursery/Yamada Well Tank sites where temporary tanks are currently in place; the Clear Well tank is structurally deficient and requires replacement.

Board member Hull moved to approve Manager's Report No. 22-06 - Budget Resolution No. 22-01 for the acceptance and expenditure of grant monies from the State of Hawai'i Appropriations Act of 2019 – ACT 40, SLH 2019 in the amount of \$ 4,500,000.00 seconded by Ms. Simonton; with no objections, motion carried with 6 Ayes.

Board member Hull moved to approve Manager's Report No. 22-07 - Budget Resolution No. 22-02 for the acceptance and expenditure of grant monies from the State of Hawai'i Appropriations

Act of 2020 – ACT 6, SLH 2020 in the amount of \$ 9,500,000.00 seconded by Ms. Simonton; with no objections, motion carried with 6 Ayes.

3. Manager's Report No. 22-08 – Discussion and Possible Action to approve the Manager's recommendation regarding the correspondence from Nikki Cristobal of Kamāwaelualani Corp. re: Koloa Water Tower Mural dated June 24, 2021

Manager Knoff explained his recommendation to deny the request is based on the following:

- Significant security risks
- Potential significant traffic hazard due to the curve and banks in that location
- It creates a precedent that would lead to DOW staff having to deal with issues unrelated to creating safe, reliable drinking water
- Email received from Michael Miyahira, Acting Branch Chief of the Department of Health Safe Drinking Water Branch indicating strong opposition, and urging the department to adhere to the current practice of painting the tanks as specified under water system standards

In reference to the traffic hazard issue on Kōloa Road, which is a county road, Board member Dill asked whether the County Engineering division had been consulted to which Manager Knoff replied no. However, he did go out to the site to assess the road and shoulder widths. One of the concerns cited by the Department of Health was the number of people that would be drawn to critical infrastructure in an area that lacks adequate area for people to safely pull off the road and park alongside it. In response to Mr. Dill, Manager Knoff stated he did not know whether or not the State has any policies regarding this issue. Additionally, both the DOW Chief of Operations and the Deputy Manager are not aware of any instances of murals being painted on water tanks. Mr. Knoff further noted that in previous positions as a public works director, they did not allow murals to be painted on critical infrastructure.

Chairman Kamm commented that there is a pretty severe grade in addition to the curve prompting the County to install major guardrails. As a resident of the area for 37 years, he knows of several fatalities at that curve, and would not want people slowing down or getting distracted.

Board member Hull noted that the County has been heavily promoting the creation of murals in numerous areas, and utilizing County assets, when possible, to allow the telling of Kaua'i's story, which is in line with the County's vision. He acknowledges and agrees with potential issues with people wanting to access the site to take pictures and view the mural. Mr. Hull commented that there is a very large mural painted on a warehouse in the nearby area belonging to Daryl Kaneshiro, and upon speaking with him, Mr. Kaneshiro expressed that he has not had any trespassers or vandalism. Mr. Hull is hesitant to wholly agree with the department's recommendation based on the overall policy the County has to support the visual heightening of these government assets.

Chairman Kamm noted that many of the murals he has seen are on buildings or flat areas with a parking lot around them; the water tank is a completely different situation. Mr. Hull stated that if that is the primary concern, he would ask for input from the County Engineer.

Board member Simonton stated that the overriding concern is that the Chief of the Department of Health Safe Drinking Water Branch does not recommend this, and the traffic issue is ancillary. While she is in support of murals and likes the idea, she does not feel this is a good fit for that,

noting that the Kaneshiro warehouse, by comparison, has a better sight plain and seems rather secure.

Board member Hull acknowledged the water safety concern, but added that everyone already knows the tank is there so he doesn't feel adding a mural would make it more susceptible to tampering than it already is.

Board member Dill asked to clarify whether the concerns raised by Michael Miyahara were security issues. Manager Knoff explained that the email he received raised safety concerns resulting from inviting strangers to become familiar with the tank location and providing access to paint it as well as inviting droves of visitors to view it exposes customers' water quality to unnecessary risk. Mr. Miyahara feels that additional security burdens would be placed on the limited administrative and operations resources, and that the proposal endangers DOW's ability to perform their duties to provide safe and reliable supply of regulatory drinking water to customers.

Vice Chair Akamine pointed out that the request by the organization to paint the mural is not for the Board to take action on as it is a departmental decision. Deputy County Attorney Krafft noted that the Chair requested that this item be placed on the agenda. A recommendation is being presented to the Board in the form of a Manager's Report which the Board can take action on. Chair Kamm feels action should be taken to avoid setting a precedent.

Board member Hull commented that this may not be the most appropriate place for a mural, but he feels that each government agency should look at ways to use the assets and resources available to look beyond their specific missions, and allow organizations like these to provide value and input to help make a better Kaua'i.

Board member Simonton suggested that maybe the tank may not be appropriate, but there may be a fence or wall that does not encroach upon the tank site that could be painted instead.

Board member Akamine moved to approve Manager's Report No. 22-08 – Discussion and Possible Action to approve the Manager's recommendation regarding the correspondence from Nikki Cristobal of Kamāwaelualani Corp. re: Koloa Water Tower Mural dated June 24, 2021 seconded by Mr. Dill; motion carried with 5 Ayes, 1 Nay (Hull).

## **STAFF REPORTS**

1. Statement of Revenues and Expenditures
  - a. June Monthly Summary Budget
  - b. Accounts Receivable Aging Summary

Chairman Kamm asked whether the moratorium on water shut-offs is still in effect to which Mr. Soliz explained the moratorium will cease to exist on August 6, 2021; they are working on a PSA to inform and encourage customers to begin working out payment plans with the department. Normal business operations will resume on September 1, 2021.

2. Public Relations Activities
3. Operational Activities

In response to Chairman Kamm, Chief of Operations Val Reyna stated that there are some hydrants that have been hit multiple times. They are looking into dry barrel hydrants as part of next fiscal year's budget. Currently there are breakaway bollards installed, and they are experimenting with early warning devices.

#### 4. Manager and Chief Engineer

Board member Simonton asked for large developments such as Kukui'ula that requires flushing, is there a way for the department to be compensated for the water loss? Ms. Hayducsko explained that during construction the water that is used for development and to flush mains is typically accounted for. Mr. Reyna added that once the infrastructure is turned over and is accepted by DOW, the department takes full responsibility for the system. In the future, they should incorporate a flushing plan for developments.

Manager Knoff informed the Board that the department will be putting up signage and issuing parking passes for employees and board members.

#### **QUARTERLY:** (April – June 2021)

1. Build America Bond
2. Claims Settled by Department of Water
3. Engineering
4. Information Technology

#### **TOPICS FOR NEXT BOARD OF WATER SUPPLY MEETINGS**

1. Department of Water's Supplemental Budget for Fiscal Year 2022
2. Discussion and Possible Action to Adopt Board Policy for the Delegation of Legislative Actions to the Manager and Chief Engineer

#### **TOPICS FOR FUTURE BOARD OF WATER SUPPLY MEETINGS:**

1. Discussion and Suggestions of the Department of Water's Capital Improvement Projects for 2022-2023
2. Discussion and Possible Action to establish Fiscal Policies and Procedures
3. Manager's Report No. 17-29 - Discussion and Possible Action on the Financial Management Planning and Water Rate Study for the Department of Water for Fiscal Year 2022 through Fiscal Year 2026
4. Department of Water Performance Audit
5. Baseyard Master Plan Workshop
6. Discussion and Possible Action on Proposed Board Policies

Chairman Kamm asked whether the Baseyard Master Plan Workshop is urgent to which Manager Knoff replied no, but will have to be addressed at some point considering the limited space for personnel and equipment and the increases in personnel.

#### **EXECUTIVE SESSION:**

Pursuant to Hawai'i Revised Statutes (HRS) §92-7(a), the Board 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 HRS §92-4 and shall be limited to those items described in HRS §92-5(a).

1. Pursuant to Hawai'i Revised Statutes § 92-4 and § 92-5(a)(2), the purpose of this Executive Session is for the Board to consider the hiring of a Manager and Chief Engineer where consideration of matters affecting privacy will be involved; provided that if the individual concerned requests an open meeting, an open meeting shall be held as it relates to this agenda item:

Discussion and receipt of the Permitted Interaction Group status update on the Recruitment and Recommendation of a Manager & Chief Engineer

Manager Knoff stated that upon further review by Deputy County Attorney Krafft, it was determined that this item was not appropriate for discussion at this time. Ms. Krafft explained that per statute deliberations are only to be held after the final recommendation at a subsequent meeting. Because this is just a status update it would be inappropriate to go into executive session for discussion. However, the update could be taken as correspondence with no discussion and no action. Board member Hull asked whether the Board could go into executive session if there were any further questions to which Ms. Krafft replied no, there could be no deliberation.

Board member Hull moved to amend the agenda to add the status update of the Permitted Action Group as correspondence seconded by Mr. Dill; with no objections, motion carried 6:0.

Board member Simonton moved to adjourn the Regular Board Meeting at 11:41 a.m. seconded by Kaaina Hull; with no objections, motion carried 6:0.

Respectfully submitted,

*Cherisse Zaima*

Cherisse Zaima  
Commission Support Clerk

Approved,

*Julie Simonton*

[Julie Simonton \(Aug 27, 2021 13:39 HST\)](#)

Julie Simonton  
Secretary, Board of Water Supply






# RBM Minutes 07-22-21

Final Audit Report

2021-08-27

Created:	2021-08-27
By:	Cherisse Zaima (czaima@kauaiwater.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAA-Ka2n-QNtaZO1Mu06TFvMQpmRb5P72kp

## "RBM Minutes 07-22-21" History

-  Document created by Cherisse Zaima (czaima@kauaiwater.org)  
2021-08-27 - 10:01:24 PM GMT
-  Document emailed to Julie Simonton (jsimonton@kauaiwater.org) for signature  
2021-08-27 - 10:01:40 PM GMT
-  Email viewed by Julie Simonton (jsimonton@kauaiwater.org)  
2021-08-27 - 11:38:12 PM GMT
-  Document e-signed by Julie Simonton (jsimonton@kauaiwater.org)  
Signature Date: 2021-08-27 - 11:39:42 PM GMT - Time Source: server
-  Agreement completed.  
2021-08-27 - 11:39:42 PM GMT