

BOARD OF WATER SUPPLY, COUNTY OF KAUAI

On March 16, 2020, Governor David Y. Ige issued a Supplementary Emergency Proclamation related to COVID-19 which suspended Chapter 92 of the Hawai'i Revised Statutes ("HRS"), relating to Public Agency Meetings and Records (commonly referred to as the Sunshine Law) to the extent necessary in order to enable boards to conduct business in-person or through remote technology without holding meetings open to the public. Boards shall consider reasonable measures to allow public participation consistent with social distancing practices, such as providing notice of meetings, allowing the submission of written testimony on items which have been posted on an agenda, live streaming of meetings, and posting minutes of meetings online. No board deliberation or action shall be invalid, if such measures are not taken.

In accordance with the Governor's Proclamations including the stay-at-home order and the Mayor's Proclamations and Emergency Rules, the Board of Water Supply meetings will be conducted as follows until further notice:

- Board meetings will be held via remote technology to be consistent with social distancing practices and stay-at-home orders.
- Board members and/or resource individuals may appear via remote technology.
- Board meetings will continue to be noticed pursuant to HRS Chapter 92.
- Written testimony on any agenda item will continue to be accepted.
 - Written testimony may be submitted to the Commission Support Clerk via email at board@kauaiwater.org by the close of business the day before the Board meeting is scheduled, or mailed to the Board of Water Supply at 4398 Pua Loke Street, Līhu'e, Kaua'i, Hawai'i 96766 with attention to the Commission Support Clerk. The public is asked to please provide sufficient time for receipt of the testimony if mailing in public testimony.
 - Persons wishing to testify are requested to register their name, phone number, and identify the agenda item for which they wish to provide testimony via email at board@kauaiwater.org or by calling (808) 245-5406.
 - If you wish to submit oral testimony prior to the Board meeting, it may be submitted by leaving a voice message at (808) 245-5406.
 - The Commission Support Clerk will provide electronic copies of public testimony received, if any, to the Board members prior to the start of the meeting.
- Board meeting minutes will continue to comply with HRS Chapter 92 and be posted to the Board's website at http://www.kauaiwater.org/cp_waterboard_agendas.asp.

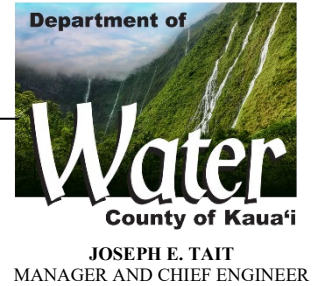
For more information on COVID-19 and to access the Governor's Proclamations please visit: <https://hawaiiicovid19.com/>.

For County of Kaua'i information, including the Mayor Kawakami's daily updates, Proclamations, and Emergency Rules, please visit: <http://www.kauai.gov/COVID-19>.

BOARD OF WATER SUPPLY

GREGORY KAMM, CHAIR
KURT AKAMINE, VICE CHAIR

JULIE SIMONTON, SECRETARY
LAWRENCE DILL, MEMBER
KA'AINA HULL, MEMBER
TROY TANIGAWA, MEMBER
ELESTHER CALIPJO, MEMBER



REGULAR MONTHLY TELECONFERENCE MEETING NOTICE AND AGENDA

Thursday, November 18, 2021
10:00 a.m. or shortly thereafter

PUBLIC ACCESS +1- 415-655-0001 US Toll, Conference ID: 2552 119 6071, Password: 4398#

This meeting will be held via Microsoft Teams conferencing only. Members of the public are invited to join this meeting by calling the number above with the conference ID information. You may testify during the video conference or submit written testimony in advance of the meeting via e-mail, fax, or mail. To avoid excessive noise/feedback, please mute your microphone except when you are called to testify.

If members or the public require technical assistance, please contact: informationtechnology@kauaiwater.org

CALL TO ORDER

ROLL CALL

ANNOUNCEMENTS:

Next Scheduled Meeting: Thursday, December 23, 2021 – 10:00 a.m. via Tele-Conference.

APPROVAL OF AGENDA

APPROVAL OF MEETING MINUTES:

1. Regular Board Meeting – October 21, 2021

PUBLIC TESTIMONY

CONSENT CALENDAR

1. Manager's Report No. 22-43 Discussion and Possible Action to approve a Grant of Easement agreement from Kukui'ula Development Company, LLC for Parcel CC West, Phase 2, Subdivision No. S-2020-11; TMK: (4) 2-6-019:0069, Kōloa, Kaua'i, Hawaii

NEW BUSINESS:

1. Election of Officers for 2022

STAFF REPORTS:

1. Statement of Revenues and Expenditures
 - a. October Monthly Summary Budget
 - b. Accounts Receivable Aging Summary
2. Public Relations Activities
3. Operational Activities
4. Manager and Chief Engineer

TOPICS FOR NEXT BOARD OF WATER SUPPLY MEETING: *(December)*

1. Discussion and Receipt of the Department of Water's Draft Audit Financial Statements and Independent Auditor's Report by Accuity, Inc. for Fiscal Years July 1, 2020 – June 30, 2021
2. Manager and Chief Engineer Goals for Calendar Year 2022
3. Anticipated Retirements (3)

TOPICS FOR FUTURE BOARD OF WATER SUPPLY MEETINGS:

4. 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
5. Department of Water Performance Audit
6. Baseyard Master Plan Workshop

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).

ADJOURNMENT

WRITTEN TESTIMONY

The Board is required to afford all interested persons an opportunity to present testimony on any agenda item. The Board encourages written testimony at least two (2) business days prior to a scheduled Board meeting. At each Board meeting, the Board will accept oral and written testimony on any agenda item at item Public Testimony.

Please include:

1. Your name and if applicable, your position/title and organization you are representing
2. The agenda item that you are providing comments on; and
3. Whether you are a registered lobbyist and, if so, on whose behalf you are appearing.

Send written testimony to:

Board of Water Supply, County of Kaua'i
C/O Administration
4398 Pua Loke Street
Lihu'e, Hawai'i 96766

E-Mail: board@kauaiwater.org
Phone: (808) 245-5406
Fax: (808) 245-5813

SPEAKER REGISTRATION

Prior to the Day of the Meeting: Persons wishing to testify are requested to register their name, phone number, and identify the agenda item for which they wish to provide testimony via email at board@kauaiwater.org or by calling (808) 245-5406.

On the Day of the Meeting: Persons who have not registered to testify by the time the Board meeting begins will be given an opportunity to speak on an item following oral testimonies of registered speakers. The length of time allocated to person(s) wishing to present verbal testimony may be limited at the discretion of the chairperson.

SPECIAL ASSISTANCE

If you need an auxiliary aid/service or other accommodation due to a disability, or an interpreter for non-English speaking persons, please call (808) 245-5406 or email board@kauaiwater.org as soon as possible. Requests made as early as possible will allow adequate time to fulfill your request. Upon request, this notice is available in alternate formats such as large print, Braille, or electronic copy.

DRAFT

MINUTES

MINUTES
BOARD OF WATER SUPPLY
Thursday, October 21, 2021

The Board of Water Supply, County of Kaua'i, met in a regular meeting **via remote** in Līhu'e on Thursday, October 21, 2021. Chairman Gregory Kamm called the meeting to order at 10:06 a.m. The following Board members were present:

BOARD: Mr. Gregory Kamm, *Chair*
Mr. Kurt Akamine, *Vice Chair*
Mr. Lester Calipjo
Ms. Julie Simonton
Mr. Troy Tanigawa (*entered at 10:10 a.m.*)

EXCUSED: Mr. Lawrence Dill
Mr. Kaaina Hull

Quorum was achieved with **4** members present at Roll Call.

STAFF: Manager & Chief Engineer Joseph Tait
Deputy Manager & Engineer Judith Hayducsko
Mr. Mark Knoff
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

Introduction of new Manager, Joseph Tait

Next Scheduled Meeting: Thursday, November 18, 2021 – 10:00 a.m. via Tele-Conference

Chair Kamm welcomed Joseph Tait to the Department of Water, and provided a brief bio.

APPROVAL OF AGENDA

Board member Simonton moved to approve the agenda, seconded by Mr. Tanigawa; with no objections, motion carried with 5 Ayes.

APPROVAL OF MEETING MINUTES

1. Regular Board Meeting – September 23, 2021
2. Executive Session Meeting – September 23, 2021

Vice Chair Akamine moved to approve the Regular Board Meeting minutes for September 23, 2021, seconded by Ms. Simonton; with no objections, motion carried with 5 Ayes.

PUBLIC TESTIMONY

There were three (4) callers from the public who joined in the meeting.

Mr. Brad Rockwell of the Kulana Homeowners Association expressed his appreciation to DOW staff, specifically Bekki Malapit, MJ Akuna, and the inspectors and crew that have been out at the sites for all their support.

CONSENT CALENDAR

1. *Manager's Report No. 22-27* Discussion and Possible Action on Proposed Changes to Board Policy 8, Charges for Department Labor and Equipment on Jobbing Work and Capital Projects by Department Personnel
2. *Manager's Report No. 22-28* Discussion and Possible Action to Rescind Board Policy 12, Retention Periods and Destruction of Records
3. *Manager's Report No. 22-29* Discussion and Possible Action to Rescind Board Policy 15, Payment of Claims and Disbursement of Funds
4. *Manager's Report No. 22-30* Discussion and Possible Action on Proposed Changes to Board Policy 19, Travel Allowance Excess Expenditures

Kulana Onsite

5. *Manager's Report No. 22-31* Discussion and Possible Action to approve the Conveyance of Water Facility from the Kulana Association of Apartment Owners, for the Kulana Subdivision Onsite Water System Phase 2; TMK: (4) 4-3-011:001; Kapaa, Kauai, Hawaii
6. *Manager's Report No. 22-32* Discussion and Possible Action to approve a Grant of Easement agreement from Kulana Association of Apartment Owners, for Kulana Subdivision Onsite Water System, Phase 2, S-99-49; TMK: (4) 4-3-011:001, Kapaa, Kaua'i, Hawai'i

Kulana Offsite

7. *Manager's Report No. 22-33* Discussion and Possible Action to approve the Conveyance of Water Facility from the Kulana Association of Apartment Owners, for the Kulana Subdivision Offsite Water System and 0.25 MG Tank; TMK: (4) 4-3-011:001 and (4) 4-4-003:089; Kapaa, Kauai, Hawai'i
8. *Manager's Report No. 22-34* Discussion and Possible Action to approve a Right of Entry Agreement with Kulana Association of Apartment Owners, for the Roadway Lot 21 (referred to as Kulana Place) of the Kulana Subdivision, S-99-49, TMK: (4) 4-3-011:001; Kapaa, Kauai, Hawai'i

Kulana Tank

9. *Manager's Report No. 22-35* Discussion and Possible Action to approve a Right of Entry Agreement with Kulana Association of Apartment Owners, for the Lot 8 (por.) of the Thronas Subdivision; TMK: (4) 4-4-003:089; Kapaa, Kauai, Hawaii

Kukui'ula Parcel E

10. *Manager's Report No. 22-36* Discussion and Possible Action to approve the Conveyance of Water Facility from Kukuiula Development Company, LLC for Parcel E, Subdivision No. S-2020-02; TMK: (4) 2-6-022:083 and 020, Koloa, Kaua'i, Hawai'i
11. *Manager's Report No. 22-37* Discussion and Possible Action to approve a Grant of Easement agreements from Kukuiula Development Company, LLC for Parcel E, Subdivision No. S-2020-02; TMK: (4) 2-6-022:083 and 020 (por.), Koloa, Kaua'i, Hawai'i

Kukui'ula Parcel G

12. Manager's Report No. 22-38 Discussion and Possible Action to approve a Grant of Easement agreement from Kukuiula Development Company, LLC for Parcel G, Subdivision No. S-2019-19; TMK: (4) 2-6-022:070, Koloa, Kaua'i, Hawai'i

Kukui'ula Parcel Kainani Villas

13. Manager's Report No. 22-39 Discussion and Possible Action to approve Grant of Easement agreements from Kukuiula Development Company, LLC for Kainani Phase 2, Subdivision No. S-2019-13; TMK: (4) 2-6-021:017, (4) 2-6-021:005 (por.) and (4) 2-6-021:016 (por.) Koloa, Kaua'i, Hawai'i

Vice Chair Akamine moved to approve Consent Calendar items 1 through 13, seconded by Mr. Tanigawa; with no objections, motion carried with 5 Ayes.

NEW BUSINESS

1. Manager's Report No. 22-40 Discussion and Adoption of Resolution No. 22-05 Imagine A Day Without Water

Chair Kamm read Resolution No. 22-05 into the record.

Information and Educational Specialist Jonell Kaohelaulii added that today, October 21, is the official day of Imagine A Day Without Water, and expressed her appreciation for the Board's support and acknowledgement of this national campaign.

Board Member Simonton moved to approve Manager's Report 22-40 Discussion and Adoption of Resolution No. 22-05 Imagine A Day Without Water, seconded by Mr. Tanigawa; without no objections, motion carried with 5 Ayes.

2. Manager's Report No. 22-41 Discussion and Possible Action to Request Board Approval for Indemnification for Zoom between the Board of Water Supply, County of Kaua'i and Zoom
3. Manager's Report No. 22-42 Discussion and Possible Action to Request Board Approval for Indemnification for Granicus between the Board of Water Supply, County of Kaua'i and Granicus

In reference to Manager's Report 22-41, Information Technology Manager Jas Banwait explained that the Board is currently using two different applications to conduct Board meetings. Teams for internal staff and Webex for the public to listen in as well as provide testimony. Zoom will allow us to combine both components into one meeting session. Manager's Report 22-42 is for Granicus, which will provide live streaming of the Board meetings, which will allow the public to view board meetings via video to comply with the upcoming Sunshine Law requirements.

Board member Simonton moved to approve Manager's Report Nos. 22-41 and 22-42, seconded by Mr. Tanigawa; with no objections, motion carried with 5 Ayes.

4. Board Meeting Dates for 2022

Board member Tanigawa moved to approve the Board Meeting Dates for 2022, seconded by Ms. Simonton; with no objections, motion carried with 5 Ayes.

STAFF REPORTS

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

Assistant Waterworks Controller Marcelino Soliz provided a summary of the Fiscal report.

2. Public Relations Activities
 - a. Video Presentation of EPA WaterSense 2021 Excellence Award

Information and Educational Specialist Jonell Kaohelaulii provided a summary of the Public Relations report. She highlighted that the Department's Education and Outreach Programs are being recognized by the Environmental Protection Agency (EPA) Water Sense Program for the 2021 Excellence Award. She explained that at the beginning of the pandemic last year, they had to readjust the way special events were coordinated in order to continue the education and outreach. A special Awards Ceremony was held on October 7, 2021 at the Water Smart Innovations Conference in Nevada where they announced 33 of this year's winners. Being unable to attend in person, a virtual presentation of the award was done by the Branch Chief of the EPA Water Sense Program.

A short video presentation of the award was played for the Board.

3. Operational Activities

Chief of Water Operations Val Reyna provided a summary of the Operations report submitted. He highlighted that the water loss for September is low at less than a million gallons, and in fact is less than half a million. This can be attributed to the low number of leaks in September.

4. Manager and Chief Engineer

Special Projects Engineer Mark Knoff provided a summary of the Manager's Update submitted, highlighting the previous correspondence sent by Michael Serpa, owner/developer of Kōloa Village project re: FRC Charge \$138,300 dated July 21, 2021. While he was still in the position of Manager & Chief Engineer, Mr. Knoff granted a waiver to the requirement of the FRC Rules and Regulations along with the return of the FRC fee credit based on the criteria noted in his Manager's update (on file). The Board had no objection to the Manager's action.

QUARTERLY REPORTS

1. Build America Bond

Special Projects Engineer Knoff explained that the BAB has not changed much, and the department is working on prioritizing projects.

2. Claims Settled by Department of Water

Deputy County Attorney Krafft noted that there were no claims settled this quarter, just 3 pending.

3. Engineering

Civil Engineer Michael Hinazumi provided a brief summary of the Engineering Quarterly Report submitted.

4. Information Technology

IT Manager Jas Banwait provided a brief summary of the IT Quarterly Report submitted.

TOPICS FOR NEXT BOARD OF WATER SUPPLY MEETINGS

1. Election of Officers for 2022

TOPICS FOR FUTURE BOARD OF WATER SUPPLY MEETINGS:

1. DOW Draft Audit Financial Statements and Independent Auditor's Report for Fiscal Year Ending 2021
2. Manager and Chief Engineer Goals for Calendar Year 2022
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

EXECUTIVE SESSION:

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ADJOURNMENT

Board member Simonton moved to adjourn the Regular Board meeting at 11:07 a.m., seconded by Mr. Tanigawa; with no objections, motion carried with 5 Ayes.

Respectfully submitted,

Cherisse Zaima
Commission Support Clerk

Approved,

Julie Simonton
Secretary, Board of Water Supply

CONSENT

CALENDAR

DEPARTMENT OF WATER

County of Kaua'i

"Water has no Substitute – Conserve It!"

MANAGER'S REPORT No. 22-43

November 18, 2021

Re: Discussion and Possible Action to approve a Grant of Easement agreements from Kukuiula Development Company, LLC for Parcel CC West, Phase 2, Subdivision No. S-2020-11; TMK: (4) 2-6-019:0069, Koloa, Kaua'i, Hawai'i

RECOMMENDATION:

It is recommended that the Board approve the Grant of Easement agreements; whereby, the above landowner, grant to the Board of Water Supply, County of Kaua'i, easement "Easement 1" on, over and under that certain parcel of land located TMK: (4) 2-6-019:069 as specified above in Koloa, Kaua'i, Hawai'i, for the following work:

1. Reading of water meters and for the construction, installation, re-installation, maintenance, repair, and removal of potable water pipelines and related meters, valves, and other associated waterworks facility improvements and appurtenances.

Further, the GRANTEE shall indemnify and save the GRANTOR harmless from and against all damage to the GRANTOR's property and all liability for injury to or the death of persons when such damage, injury, or death is caused by the negligence of the GRANTEE, its officers, agents and employees while using the easement areas.

FUNDING: N/A.

BACKGROUND:

As part of the subject project, the above owner installed potable water pipelines and service laterals, meters, valves and other associated waterworks appurtenances. The water facilities are on private property which requires easements in favor of Department of Water for meter reading and future maintenance and repair.

OPTIONS

Option 1: Approve the Grant of Easement Agreements.

Pro: The project will be completed as designed and accepted by the Department and water service will be able to be available with a project certification completion.

Con: None.

Option 2: Do not approve the Grant of Easement Agreements.

Pro: None.

Con: The project will not be completed as designed and accepted by the Department and water service will not be able to be provided.

Attachments: Grant of Easement "Easement 1" – Kukuiula Development Company, LLC., TMK: (4) 2-6-019:069, Koloa, Kaua'i, Hawai'i

Mgrp/November 2021/22-43/ Discussion and Possible Action to approve a Grant of Easement agreements from Kukuiula Development Company, LLC for Parcel CC West, Phase 2, Subdivision No. S-2020-11; TMK: (4) 2-6-019:0069, Koloa, Kaua'i, Hawai'i (11/18//21)

Return by Mail (X) Pickup () To:
Department of Water
4398 Pua Loke Street
Lihu'e, Kaua'i, Hawai'i 96766

This document contains _____ pages.

Tax Map Key No.: (4) 2-6-019: 069

GRANT OF EASEMENT
for
TMK: (4) 2-6-019: 069
(Easement 1)

THIS INDENTURE is made on this ____ day of _____, 2021, by and between **KUKUI'ULA DEVELOPMENT COMPANY (HAWAII), LLC**, a Hawaii limited liability company, whose principal place of business and mailing address is

2700 Ke Alaula Street, Suite B
Koloa, Kauai, Hawaii 96756

(hereinafter individually or collectively "GRANTOR") and the **BOARD OF WATER SUPPLY, COUNTY OF KAUA'I**, whose mailing address is 4398 Pua Loke Street, Lihue, Kauai, Hawaii 96766 (hereafter "GRANTEE");

WITNESSETH:

THAT IN CONSIDERATION of the sum of one dollar (\$1.00) paid by the GRANTEE to the GRANTOR, the receipt of which is acknowledged, and the covenants contained in this grant of easement to be performed by the GRANTEE, the GRANTOR does hereby grant, bargain, sell and convey to the GRANTEE a non-exclusive easement in perpetuity on, over, and under that certain parcel of land located generally at Koloa District, Kaua'i, Hawaii, **Tax Map Key No. (4) 2-6-019: 069; District: Koloa, Kaua'i, Hawai'i; PROJECT NAME: Parcel CC West, Phase 2; SUBDIVISION NO.: S-2020-11,**

being Easement 1, and more particularly described in Exhibit A, and as shown on the map attached as Exhibit B, all of which exhibits are attached and incorporated by reference into this grant of easement (hereafter "easement area").

RESERVING, HOWEVER, UNTO GRANTOR and the Kukui'ula Community Association, a non-profit Hawaii corporation (the "**Association**"), and their tenants and licensees, the rights set forth herein, including but not limited to the right to use the easement area for any purpose in common with GRANTEE and others to whom GRANTOR or the Association grants any rights in the easement area, and to allow others to use the easement area, and the right to grant to governmental entities, any public or private utility and/or any other person or entity, additional easement rights over, under across, along, upon in and through the easement area as GRANTOR or the Association deem necessary or appropriate; provided, however, that such use or grant shall not materially interfere with the exercise of the GRANTEE's rights under this easement. Whenever this Grant of Easement refers to "materially interfere with the exercise of GRANTEE's rights under this easement," any use of the easement area as of the date of this Grant of Easement and any utility lines installed as of the date of this Grant of Easement do not "materially interfere with the exercise of the GRANTEE's rights under this easement."

This easement is granted for the reading of water meters and for the construction, installation, re-installation, maintenance, repair, and removal of potable water pipelines and related meters, valves, and other associated waterworks facility improvements and appurtenances. The GRANTEE is further allowed the right of ingress and egress at any time to, from, and through the easement area, with or without vehicles or equipment, as the GRANTEE deems necessary for the proper operation of its water system.

TO HAVE AND TO HOLD the same unto the GRANTEE forever; provided that should the GRANTEE cease to use the easement area for the purposes described for a continuous period of two (2) calendar years, this easement shall terminate and the interest granted shall immediately and without the GRANTOR's re-entry revert to the GRANTOR; and provided further that this easement shall terminate as to any portion of the easement area upon dedication and conveyance of such portion of the easement area to the County of Kauai. In any such an event, this easement shall cease to exist by operation of the GRANTEE's non-use or dedication and conveyance to any governmental authority, without any necessary action on the GRANTOR's part. Notwithstanding the foregoing, upon the request of the GRANTOR or the Association, the GRANTEE shall execute a recordable document sufficient to evidence the termination of the easement granted herein pursuant to this paragraph.

SUBJECT, HOWEVER, to that certain Second Amended and Restated Community Charter for Kukui'ula dated August 5, 2015, recorded in the Bureau as Document No. A-56951009, as amended, restated, and supplemented, and as may be hereafter amended, restated or supplemented.

AND IN FURTHER CONSIDERATION of the rights granted to the GRANTEE the benefits accruing to the GRANTOR and the Association under this easement, the GRANTOR and GRANTEE further covenant, agree, and promise as follows:

1. That should the GRANTEE disturb in any way the ground which is the subject of the easement area, the GRANTEE shall at its own expense restore the ground to its original condition to the extent that such restoration is reasonable;
2. That the GRANTEE shall indemnify and save the GRANTOR and the Association, and their respective successors and assigns, harmless from and against all damage to the GRANTOR's property and the easement area and all liability for injury to or the death of

persons when such damage, injury, or death is caused by the negligence of the GRANTEE, its officers, agents and employees while using the easement area;

3. That the GRANTEE shall not assign its rights under this easement without the prior written consent of the GRANTOR; provided that the GRANTEE may assign its rights to a successor of the GRANTEE duly created by law;
4. That should the GRANTOR's development plans require that the easement area and/or waterworks facility improvements within, on, or under the easement area be relocated, the GRANTOR will, at the GRANTOR's own expense and pursuant to the GRANTEE's instructions and specifications, re-locate the affected easement area and waterworks facility improvements and appurtenances without interruption of the GRANTEE's services;
5. That the GRANTOR shall at no time erect any building foundation of any kind below the surface of the land which is subject of the easement area or any building or structure of any kind (other than roads, sidewalks, utility lines, curbs or similar appurtenances) on the surface of the land which is the subject of the easement area unless the GRANTOR receives the prior written consent of the GRANTEE;

Only lawn grass shall be planted within three (3) feet of all meter boxes, fire hydrants, and other waterworks facility improvements and appurtenances. No trees with aggressive root systems shall be planted within twenty (20) feet of all meter boxes, fire hydrants, and other waterworks facility improvements and appurtenances;

This Paragraph No. 5 though, shall not prevent the GRANTOR, the Association or any others to whom the GRANTOR or the Association grants any rights in the easement area from crossing over, constructing, and maintaining roadways and other utility improvements within the easement area or laying, operating, maintaining, repairing, or removing conduits and drains which do not materially interfere with the exercise of the GRANTEE's rights under this easement;

6. That the GRANTOR covenants with the GRANTEE that the GRANTOR is the lawful owner of the land which is the subject of this easement area, that the GRANTOR has good right and title to grant this easement, and that the GRANTOR will warrant and defend the same unto the GRANTEE against the claims and demands of all persons;
7. That, in the event that any lot encumbered by this Grant of Easement is subdivided, then this Grant of Easement shall automatically affect and encumber only the subdivided lot or lots upon which the easement area described in **Exhibit A** and **Exhibit B** attached hereto is located and the other unaffected subdivided lot or lots shall be deemed free and clear of this Grant of Easement for all purposes without any further action of the parties hereto; and
8. That the GRANTOR or the Association may, without the consent or joinder of GRANTEE, dedicate all or any portion of the easement area to the County of Kauai, Hawaii, or to any other local, state, or federal governmental or quasi-governmental entity, with or without payment or compensation from such transferee. In such event, GRANTOR or the Association will use good faith efforts to notify GRANTEE of such dedication.

When used within this document the terms "GRANTOR," "GRANTEE," and "Association" shall mean the singular and plural, masculine and feminine, and natural persons, trustees, corporations, partnerships, limited partnerships, sole proprietorships and other forms of business entities. The terms shall also mean each such party and their respective estates, heirs, personal representatives, successors, successors-in-trust and assigns.

IT IS FURTHER MUTUALLY AGREED that the terms of this easement shall be binding upon and inure to the benefit of all the parties to this document and the Association and that all covenants and obligations undertaken by two or more persons shall be deemed to be joint and several unless a contrary intention is clearly expressed in this document.

This Grant of Easement may be executed in counterparts. Each counterpart shall be executed by one or more parties hereinbefore named and the several counterparts shall constitute one instrument to the same effect as though the signatures of all the parties are upon the same document.


[signatures on following page]

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be duly executed as of the day and year first written above.

APPROVED:

Manager & Chief Engineer
Department of Water, County of Kaua'i

**KUKUI'ULA DEVELOPMENT COMPANY
(HAWAII), LLC**, a Hawaii limited liability
company

By: 
Name: Richard Albrecht
Its: Authorized Signatory

GRANTOR

**APPROVAL AS TO FORM
AND LEGALITY**

Deputy County Attorney

ACCEPTED:

**BOARD OF WATER SUPPLY,
COUNTY OF KAUA'I**

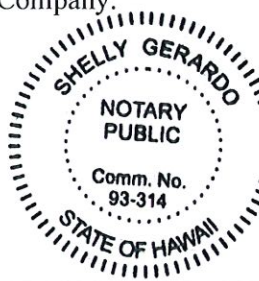
By: _____
Its: _____

GRANTEE

[GRANTOR]

STATE OF HAWAI'I)
)
COUNTY OF KAUA'I) ss.

On this 10th day of November, 2021, before me appeared **RICHARD ALBRECHT**, to me known, who, being by me duly sworn, did say that he is the Authorized Signatory of Kukui'ula Development Company (Hawaii), LLC, a Hawaii limited liability company, and that the said instrument was signed on behalf of said Company, and he acknowledged said instrument to be the free act and deed of said Limited Liability Company.



Shelly Gerardo
Print Name: Shelly Gerardo
Notary Public, State of Hawaii
My commission expires: 12/25/23

(Official Stamp or Seal)

NOTARY CERTIFICATION STATEMENT

Document Identification or Description: Grant of Easement for
TMK: (4) 2-6-019: 069 (Easement 1)

Doc. Date: _____ or Undated at time of notarization.

No. of Pages: 12

Jurisdiction: Fifth Circuit
(in which notarial act is performed)

Shelly Gerardo
Signature of Notary

11/10/21
Date of Notarization and
Certification Statement

Shelly Gerardo
Printed Name of Notary

Date of notary commission expiration: 12/25/23



(Official Stamp or Seal)

STATE OF HAWAI'I)
) ss.
COUNTY OF KAUA'I)

On this ____ day of _____, 2021, before me appeared _____, to me personally known, who, being by me duly sworn, did say that said officer is the _____ of the **COUNTY OF KAUA'I, BOARD OF WATER SUPPLY**, and that the foregoing instrument was signed on behalf of said Department and said officer acknowledged said instrument to be the free act and deed of said Department and the said Department has no seal.

Notary Public, State of Hawaii

Name of Notary: _____
My commission expires: _____

Exhibit A

KUKUI'ULA PARCEL CC WEST SUBDIVISION, PHASE 2

**EASEMENT 1
FOR ACCESS AND UTILITY PURPOSES**

Affecting all of Lot P (Kaimalino Place) of Kukui'ula Parcel CC West Subdivision, Phase 2, being also a portion of Royal Patent 6714, Land Commission Award 7714-B, Apana 2 to M. Kekuaiwa no M. Kekuanaoa.

Situate at Kōloa (Makai), Kōloa, Kona, Kauai, Hawaii.

Beginning at the Southeast corner of this easement, being also the Southwest corner of Lot M of Kukui'ula Parcel CC West Subdivision, Phase 2, along the Northwesterly side of Lot 14 (Ike Kai Street) of Kukui'ula Parcel CC West Subdivision, the coordinates of said point of beginning referred to Government Survey Triangulation Station "WAHIAWA" being 7,915.59 feet South and 15,280.93 feet East thence running by azimuths measured clockwise from true South:

Along Lot 14 (Ike Kai Street) of Kukui'ula Parcel CC West Subdivision, on a curve to the right with a radius of 978.00 feet, the chord azimuth and distance being:

1. 38° 28' 06" 107.29 feet;

Thence along Lot A of Kukui'ula Parcel CC West Subdivision, Phase 2, on a curve to the left with a radius of 30.00 feet, the chord azimuth and distance being:

2. 174° 58' 55" 43.62 feet;

Thence along same, on a curve to the right with a radius of 220.00 feet, the chord azimuth and distance being:

3. 137° 10' 32" 68.11 feet;



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

501 SUMNER STREET, SUITE 521
HONOLULU, HAWAII 96817-5031

CIVIL ENGINEERS • SURVEYORS
1871 WILI PALCOO, SUITE A
WAILUKII, MAUI, HAWAII 96793

100 PALAHII STREET, SUITE 207
HILO, HAWAII 96720

4. 146° 00' 64.77 feet along Lots A and B of Kukui'ula Parcel CC West Subdivision, Phase 2;

Thence along Lots B, C, and D of Kukui'ula Parcel CC West Subdivision, Phase 2, on a curve to the left with a radius of 178.00 feet, the chord azimuth and distance being:

5. 123° 30' 136.24 feet;

6. 101° 00' 69.14 feet along Lots D and E of Kukui'ula Parcel CC West Subdivision, Phase 2;

Thence along Lots E, F, and G of Kukui'ula Parcel CC West Subdivision, Phase 2, on a curve to the right with a radius of 172.00 feet, the chord azimuth and distance being:

7. 120° 30' 114.83 feet;

8. 140° 00' 6.15 feet along Lots G and H of Kukui'ula Parcel CC West Subdivision, Phase 2;

Thence along Lot H of Kukui'ula Parcel CC West Subdivision, Phase 2, on a curve to the left with a radius of 40.00 feet, the chord azimuth and distance being:

9. 120° 24' 09" 26.83 feet;

Thence along same, on a curve to the right with a radius of 40.00 feet, the chord azimuth and distance being:

10. 134° 36' 42" 44.51 feet;



Thence along Lot J of Kukui'ula Parcel CC West Subdivision, Phase 2, on a curve to the right with a radius of 40.00 feet, the chord azimuth and distance being:

11. 189° 59' 33" 29.42 feet;

Thence along Lot K of Kukui'ula Parcel CC West Subdivision, Phase 2, on a curve to the right with a radius of 40.00 feet, the chord azimuth and distance being:

12. 226° 04' 44" 20.05 feet;

Thence along Lot L of Kukui'ula Parcel CC West Subdivision, Phase 2, on a curve to the right with a radius of 40.00 feet, the chord azimuth and distance being:

13. 256° 51' 58" 22.42 feet;

Thence along Lot M of Kukui'ula Parcel CC West Subdivision, Phase 2, on a curve to the right with a radius of 40.00 feet, the chord azimuth and distance being:

14. 316° 10' 05" 54.59 feet;

Thence along same, on a curve to the left with a radius of 40.00 feet, the chord azimuth and distance being:

15. 339° 35' 51" 26.83 feet;

16. 320° 00' 6.15 feet along same;

Thence along same, on a curve to the left with a radius of 128.00 feet, the chord azimuth and distance being:



17. 300° 30' 85.45 feet;
18. 281° 00' 69.14 feet along same;
- Thence along same, on a curve to the right with a radius of 222.00 feet, the chord azimuth and distance being:
19. 303° 30' 169.91 feet;
20. 326° 00' 64.77 feet along same;
- Thence along same, on a curve to the left with a radius of 178.00 feet, the chord azimuth and distance being:
21. 317° 08' 04" 54.87 feet;
- Thence along same, on a curve to the left with a radius of 30.00 feet, the chord azimuth and distance being:
22. 261° 47' 47" 43.50 feet to the point of beginning and containing an area of 27,737 Square Feet.



Description Prepared By:
AUSTIN, TSUTSUMI & ASSOCIATES, INC.

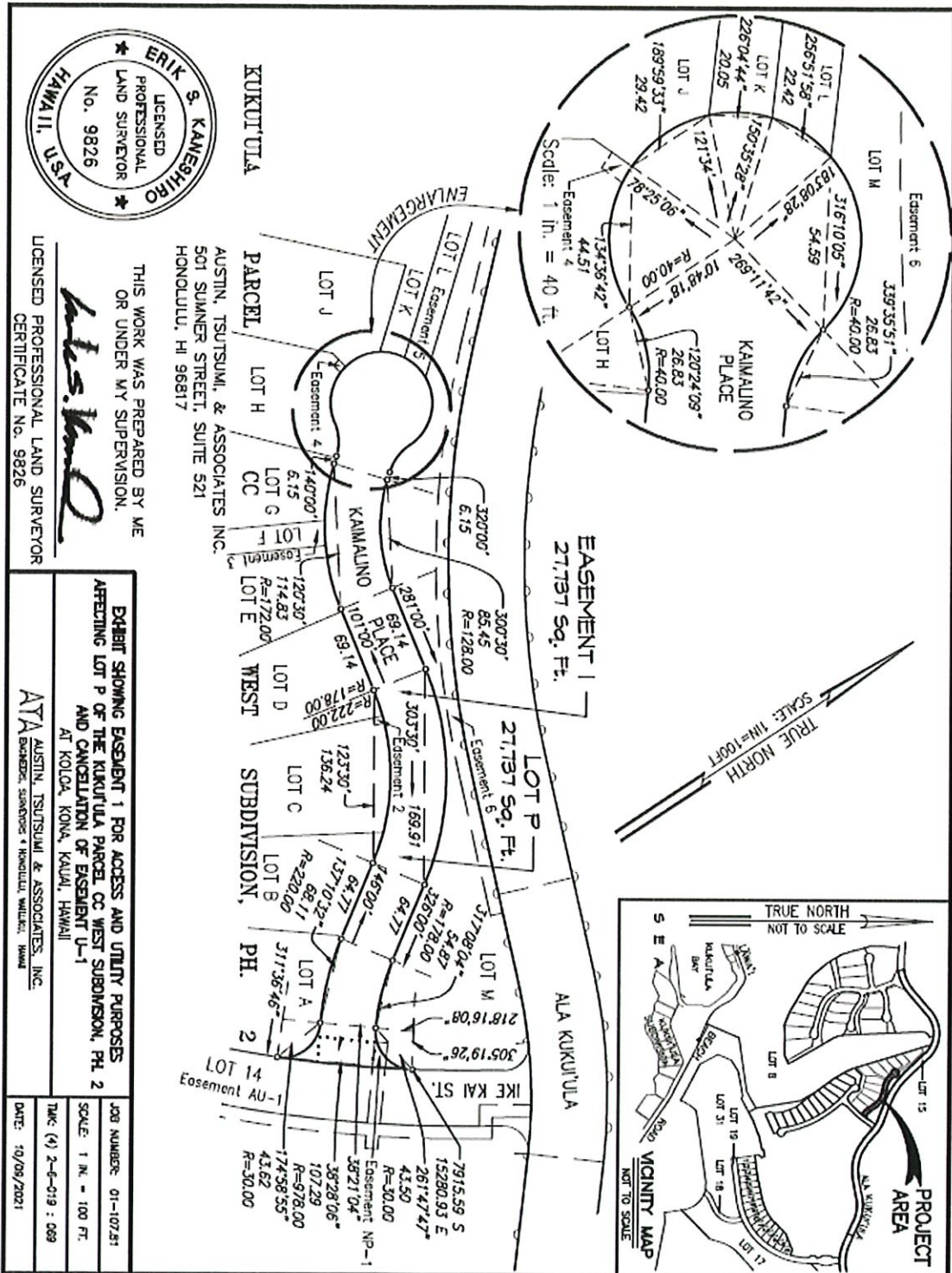
Erik S. Kaneshiro

ERIK S. KANESHIRO
Licensed Professional Land Surveyor
Certificate No. 9826
Exp. 04/22

Honolulu, Hawaii
October 27, 2021

TMK: (4) 2-6-019: 069
X:\BYNAME\Kukulula\Parcel CC West 2\Descriptions\PARCEL CC WEST 2 - EASEMENT 1.docx

Exhibit B



A horizontal splash of clear blue water with bubbles, centered on the page. The splash is wider in the middle and tapers off towards the left and right edges. The text 'NEW' is positioned above the splash, and 'BUSINESS' is positioned below it, both appearing to be reflected in the water's surface.

NEW

BUSINESS

DEPARTMENT OF WATER

County of Kaua'i

"Water has no Substitute – Conserve It!"

Board of Water Supply

Officers and Committee Members for 2022

(Effective January 1, 2022)

2021

2022

Current Officers – Board of Water Supply:

2022 Officers:

Chair Greg Kamm

Chair: _____

Vice-Chair Kurt Akamine

Vice-Chair: _____

Secretary Julie Simonton

Secretary: _____

Rules Committee:

Chair Ka`aina Hull

Chair: _____

Member Julie Simonton

Member: _____

Member Gregory Kamm

Member: _____

Finance Committee:

Chair Lawrence Dill

Chair: _____

Member Ka`aina Hull

Member: _____

Member Elesther Calipjo

Member: _____

Committee of the Whole:

All Board Members

Chair: _____

A horizontal splash of clear blue water with bubbles, positioned behind the text.

STAFF

REPORTS



DEPARTMENT OF WATER

County of Kaua'i

"Water has no Substitute – Conserve It!"

FISCAL REPORT: MONTHLY SUMMARY HIGHLIGHTS – OCTOBER, 2021

I. BUDGET SUMMARY VS. ACTUAL (see attached report for details)

YEAR TO DATE (YTD) BUDGET & ACTUAL EXPENSES SUMMARY – AS OF OCTOBER, 2021

	<u>BUDGET</u>	<u>vs</u>	<u>EXPENSED</u>
· Operating Expenses	\$13,327,660		\$8,297,040
· Debt Principal Payment	3,794,865		4,188,278
· Capital Projects	<u>21,848,469</u>		<u>114,593</u>
TOTAL	<u>\$38,970,994</u>		<u>\$12,599,911</u>

REVENUES: VARIANCE = "ACTUAL" LESS "BUDGET"; POSITIVE INDICATES HIGHER PERFORMANCE THAN EXPECTED.

- Total Revenue as of October 2021 was 21% below projection.
 - Water sales of \$10.35 million (M) was \$2M or 24% higher than projected.
 - Other Water Revenue - Receipts of \$41 thousand (K) was \$59K below projection.
 - Capital Contributions: Contributions from Federal & State Grants – \$269K.
 - Investment Income & Net Increase in FV of Investments –\$134.3K.

OPERATING EXPENSES: VARIANCE = BUDGET LESS ACTUAL

EXPENSES: POSITIVE VARIANCE INDICATES LOWER ACTUAL EXPENSES VS. BUDGET. **REVISED YTD BUDGET COLUMNS INCLUDE PO ROLLOVER FROM FY ENDING 2021.**

- YTD Operating Expenses before depreciation and amortization was \$8.3 million (M). Total spending was \$5M lower than budget.
 - Employee Related Expenses –\$3.68M with a 15% positive variance.
 - Contracts & Services – \$1.65M with a 72% positive variance.
 - Professional Services, Other Services – Billing, Communication, Insurance and Repairs and Maintenance for non-water systems are the main items contributing to the 72% positive variance.
 - Exceptional Expenses – None.
 - Fuel & Utilities – \$1M with a \$20.7K or 2% negative variance.
 - Bulk Water Purchase –\$345K with a 24% positive variance.
 - Office & Operating Supplies – \$525.4K with 2% positive variance.
 - Training, Travel & Meeting Expenses – \$32.8K or 47% positive variance.
 - Debt Service – Interest Expense - \$892.8K.
 - Depreciation & Amortization (non-cash expenses) is \$2.37M.

NET OPERATING INCOME:

- Net Operating Income before depreciation and amortization - \$3.24M



DEPARTMENT OF WATER

County of Kaua'i

"Water has no Substitute – Conserve It!"

- Net Operating Income after depreciation & amortization was a positive \$648.36K.

NON-OPERATING PROCEEDS & DISBURSEMENTS

- SRF Loan Proceeds – None.
- FRC – Facility Reserve Charge –\$453.9K.
- YTD Debt Principal Payment is \$4.19M.

CAPITAL PROJECTS BUDGET: YTD DISBURSEMENTS = \$114,593.33

- Capital Projects: Water Utility Fund - \$109.3K
- Capital Projects: FRC Fund – None
- Capital Projects: BAB Fund - \$5.3K
- Capital Projects: SRF Loan Fund - None

II. COMPARATIVE CHARTS:

METERED CONSUMPTION:

- October 2021, monthly metered consumption was 331.3 million gallons (mg) increased by 64 kg as compared from the same month of FY 2021.
- Year to Date (YTD) metered consumption as of 10/31/21 was 1,492 mg with a YTD cumulative increase of 201 mg as compared from the same month of FY 2021.

III. COMPARATIVE BALANCE SHEET: SEE ATTACHED.

Statement of Net Position as of October 31, 2021 (unadjusted).

IV. OTHER FISCAL ONGOING ACTIVITIES/INITIATIVES: NO NEW UPDATE

- FY 2021 Financial Audit is in progress. Draft Audit Report will be submitted to the November board meeting.
- Notice to Proceed was issued to Raftelis Consultants to commence the Water Rate Study.
- STOP WORK ORDER issued for 60 days. Microsoft (MS) Dynamics Great Plains will be replaced with Cloud - Dynamics Business Central. Ongoing staff training. The "Go live" was originally scheduled on 4/12/21, initially moved to the week of July 12th and moved again to the 1st week of October 2021. The planned "Go Live" will not be happening with the current Contractor. The Department will negotiate to amend the contract and hopefully terminate the scope of work related to the Microsoft Dynamics - GP cloud migration. The product design presented to the DOW staff who performed several testing sessions did not fulfill their expectations.
- Develop Financial Policies for DOW – Statement of Qualifications were solicited for FY 2021. Procurement has been delayed due to COVID 19 pandemic and was pushed on the side due to three other ongoing IT initiatives; the Depreciation Study, which was completed in April 2021, the ongoing conversion of Microsoft (MS) Dynamics – Great Plains to MS Business Central and another ongoing project on the Beacon Meters; Automatic Meter Reading (AMR) upgrade to Advanced Metering Infrastructure (AMI).
- Budget Program Solution – It will be addressed concurrently with the Financial Policies Development procurement.
- FEMA update: DOW submitted a request for an additional 30 months' extension to complete two outstanding projects for FEMA grant funding reimbursement; the Makaleha tunnel and Mānoa Stream.
- The FEMA request for reimbursement for the Manoa stream will be rescinded because the job was completed in house.

MY/

Fiscal report 10/2021



Department of Water, County of Kauai
 Monthly Budget Summary vs. Actual
 SUMMARY
 10/31/2021

	October				FY 2022			
	Original Budget	Revised Budget	Actual	Variance	Revised YTD Budget	YTD Actual	*Variance	Variance %
I. OPERATING BUDGET								
Revenue								
Water Sales	\$2,085,217.00	\$2,085,217.00	\$2,430,752.35	\$345,535.35	\$8,340,868.00	\$10,348,669.25	\$2,007,801.25	24.%
Revenue from Public Fire Protection	181,192.00	181,192.00	183,469.50	2,277.50	724,768.00	733,878.00	9,110.00	1.%
Other Water Revenue	25,000.00	25,000.00	12,614.00	(12,386.00)	100,000.00	41,111.33	(58,888.67)	(59.%)
Capital Contributions Total	1,348,057.00	1,348,057.00		(1,280,834.96)	5,392,228.00	268,888.16	(5,123,339.84)	-95%
Miscellaneous Revenues Total	20,293.00	20,293.00		(24,586.11)	81,172.00	143,986.61	62,814.61	77%
Total Revenue	3,659,759.00	3,659,759.00	2,626,835.85	(969,994.22) #	14,639,036.00	11,536,533.35	(3,102,502.65)	-21%
Operating Expenses								
Total Employee-Related Expenses	1,087,505.00	1,087,505.00	917,231.73	170,273.27	4,350,020.00	3,678,371.48	671,648.52	15.%
Total Contracts & Services	641,941.00	641,941.00	347,044.20	294,896.80	5,838,250.32	1,654,923.80	4,183,326.52	72.%
Total Fuel & Utilities	248,865.00	248,865.00	230,790.91	18,074.09	995,460.00	1,016,149.74	(20,689.74)	(2.%)
Total Bulk Water Purchase	151,681.00	151,681.00	151,505.00	176.00	608,088.96	496,533.67	111,555.29	18.%
Total Office & Operating Supplies	82,871.00	82,871.00	84,209.95	(1,338.95)	534,325.50	525,444.60	8,880.90	2.%
Total Training, Travel & Meeting Expenses	14,753.00	14,753.00	4,789.14	9,963.86	61,871.68	32,849.97	29,021.71	47.%
Total Interest Expense	234,911.00	234,911.00	225,373.14	9,537.86	939,644.00	892,766.76	46,877.24	5.%
Total Operating Expenses	2,462,527.00	2,462,527.00	1,960,944.07	501,582.93	13,327,660.46	8,297,040.02	5,030,620.44	38.%
Net Operating Income (Loss) Before Depreciation & Amortization	\$1,197,232.00	\$1,197,232.00	\$728,820.71	(\$468,411.29)	\$1,311,375.54	\$3,239,493.33	(\$1,928,117.79)	(147.%)
Depreciation & Amortization								
Total Depreciation & Amortization	661,895.00	661,895.00	584,901.84	76,993.16	2,647,580.00	2,369,259.05	278,320.95	11.%
Net Operating Income (Loss)	535,337.00	535,337.00	143,918.87	(391,418.13)	(1,336,204.46)	870,234.28	(2,206,438.74)	(165.%)
Non Operating Proceeds	1,191,667.00	1,191,667.00		(1,191,667.00)	4,766,668.00		(4,766,668.00)	(100.%)
FRC-Facility Reserve Charge	66,667.00	66,667.00	94,795.00	28,128.00	266,668.00	453,920.00	187,252.00	70.%
Total Non Operating Proceeds	1,258,334.00	1,258,334.00	94,795.00	(1,163,539.00)	5,033,336.00	453,920.00	4,579,416.00	(91.%)
Debt Principal Payment			120,938.13	(120,938.13)	3,794,864.89	4,188,278.20	(393,413.31)	(10.%)
Net Proceeds (Expenditures)	1,793,671.00	1,793,671.00	117,775.74	(1,675,895.26)	(97,733.35)	(2,864,123.92)	(2,766,390.57)	2831.%
II. CAPITAL BUDGET								
Capital Projects (See Attached for Details)	2,480,541.00	2,480,541.00	36,097.89	2,444,443.11	21,848,468.98	114,593.33	21,733,875.65	99.%

Assets and Deferred Outflows

Current Assets

Cash	\$7,318,233.49
Equity interest in pooled investments	\$3,452,396.73

Receivables:

Accounts, net of allowance for doubtful accounts	\$1,454,686.61
Due from other funds	
Unbilled accounts	\$1,378,549.63
Grants and subsidies	\$818,973.77
Accrued interest	\$209,775.36
Total receivables	3,861,985.37

Materials and supplies	\$1,089,731.90
Prepaid expenses	\$41,004.18
Total current asset	15,763,351.67

Restricted Assets:

Facility reserve charge funds:

Cash	\$3,767,719.84
Equity interest in pool investments	\$0.00
Accounts receivable and other	\$306,793.55
Total facility reserve charge funds	4,074,513.39

Bond funds:

Cash	\$1,197,242.97
Equity interest in pooled investments	\$8,609,632.18
Accrued interest	\$34,745.75
Total bond funds	9,841,620.90

Total restricted assets	13,916,134.29
--------------------------------	----------------------

Equity Interest in Pooled Investment - Noncurrent

Investment - Non-Current	\$24,482,215.70
Investment - Reserves	\$9,300,000.00
Investment - Debt Service Reserve	\$0.00
Total Equity Interest in Pooled Investment - Noncurrent	33,782,215.70

Utility Plant:

In service	\$346,664,030.16
Accumulated depreciation	(\$150,701,376.76)
Total utility plant	195,962,653.40

Construction work in progress	\$22,473,460.49
Total property, plant and equipment	218,436,113.89

Total assets	281,897,815.55
---------------------	-----------------------

Deferred Outflow of Resources - Deferred Refunding Costs, net	\$8,876,149.24
Total assets and deferred outflows	290,773,964.79

*Allowance for doubtful accounts	(\$228,008.05)
----------------------------------	----------------

Liabilities and Net Position

Current Liabilities:

Accounts payable and accrued liabilities	(\$1,694,783.81)
Contracts payable, including retainages	\$627,728.66
Accrued Vacation And Compensatory Pay, current portion	\$501,587.01
Due to/Due From Other Funds	\$211.73
Customer overpayment	\$225,161.75
Customer deposits and advances	\$505,875.03
Current portion of long term debt	\$5,160,540.98
Current portion of capital lease obligation	\$0.03
Total current liabilities	5,326,321.38

Long-Term Debt	\$52,642,218.01
Capital Lease Obligation	\$0.00
OPEB & Retirement Benefits	\$31,626,666.40
Accrued Vacation and Compensatory Pay	\$971,573.47
Deferred Inflow of Assets	\$555,205.00
Total liabilities and deferred inflows:	91,121,984.26

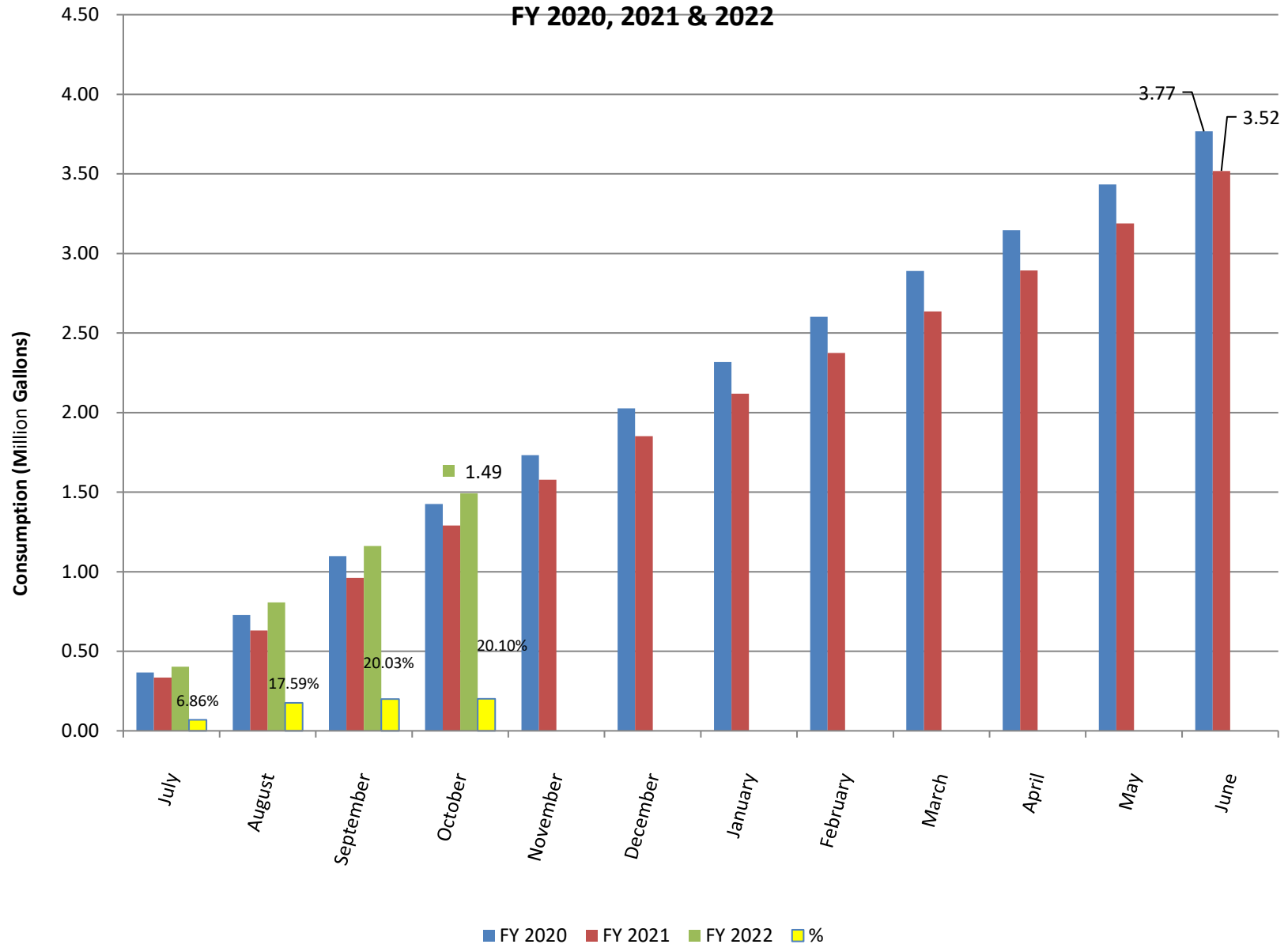
Net Position:

Water Utility Reserves	\$9,300,000.00
Restricted FRC	\$4,066,662.63
Restricted Build American Bonds	\$9,734,588.23
Invested in Capital Assets Net of Related Debt	\$160,598,012.03
Unrestricted	\$15,952,717.64

Total net position	199,651,980.53
Total liabilities, deferred inflows and net position:	290,773,964.79
	0.00

YTD CUMULATIVE WATER CONSUMPTION

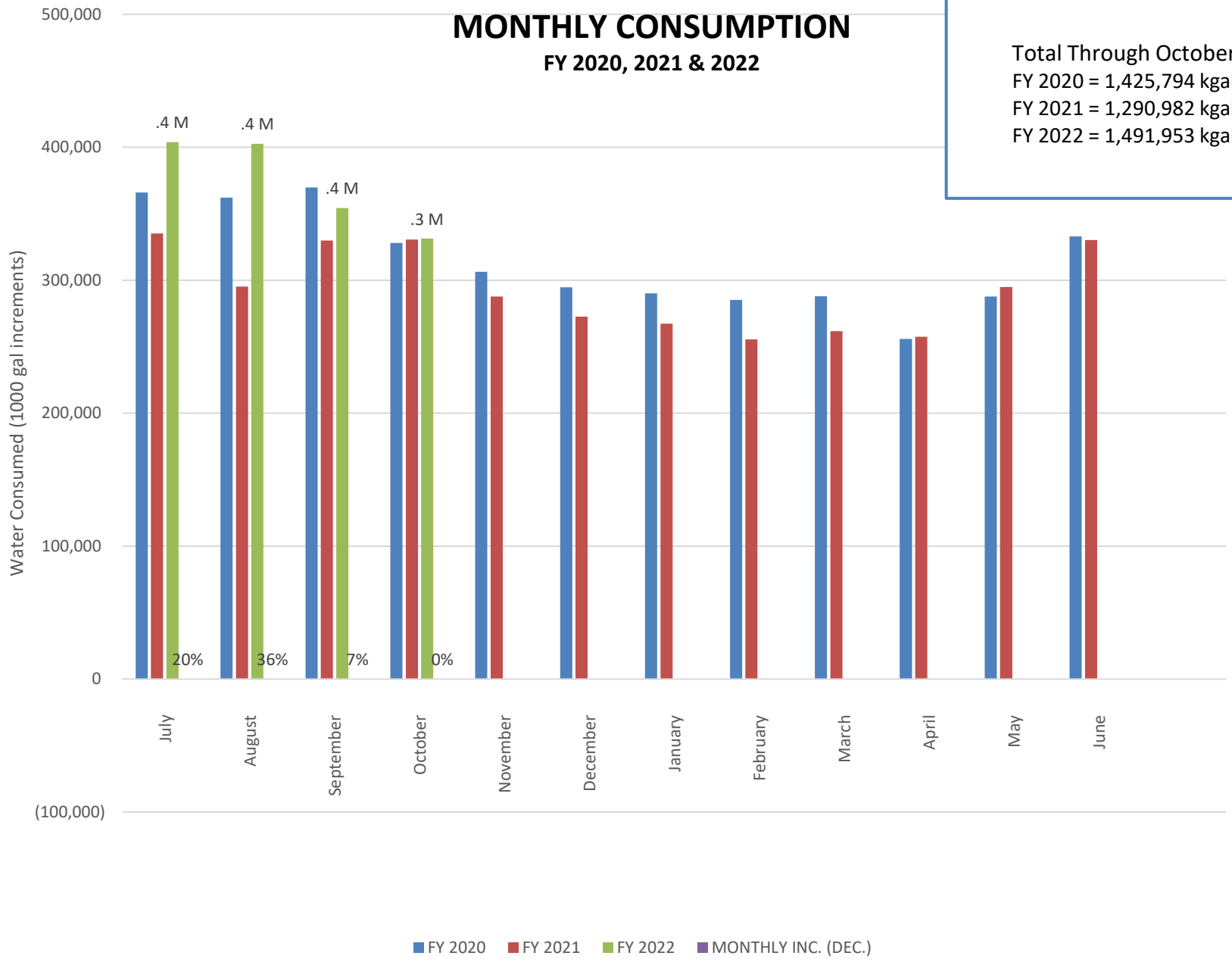
FY 2020, 2021 & 2022



MONTHLY CONSUMPTION

FY 2020, 2021 & 2022

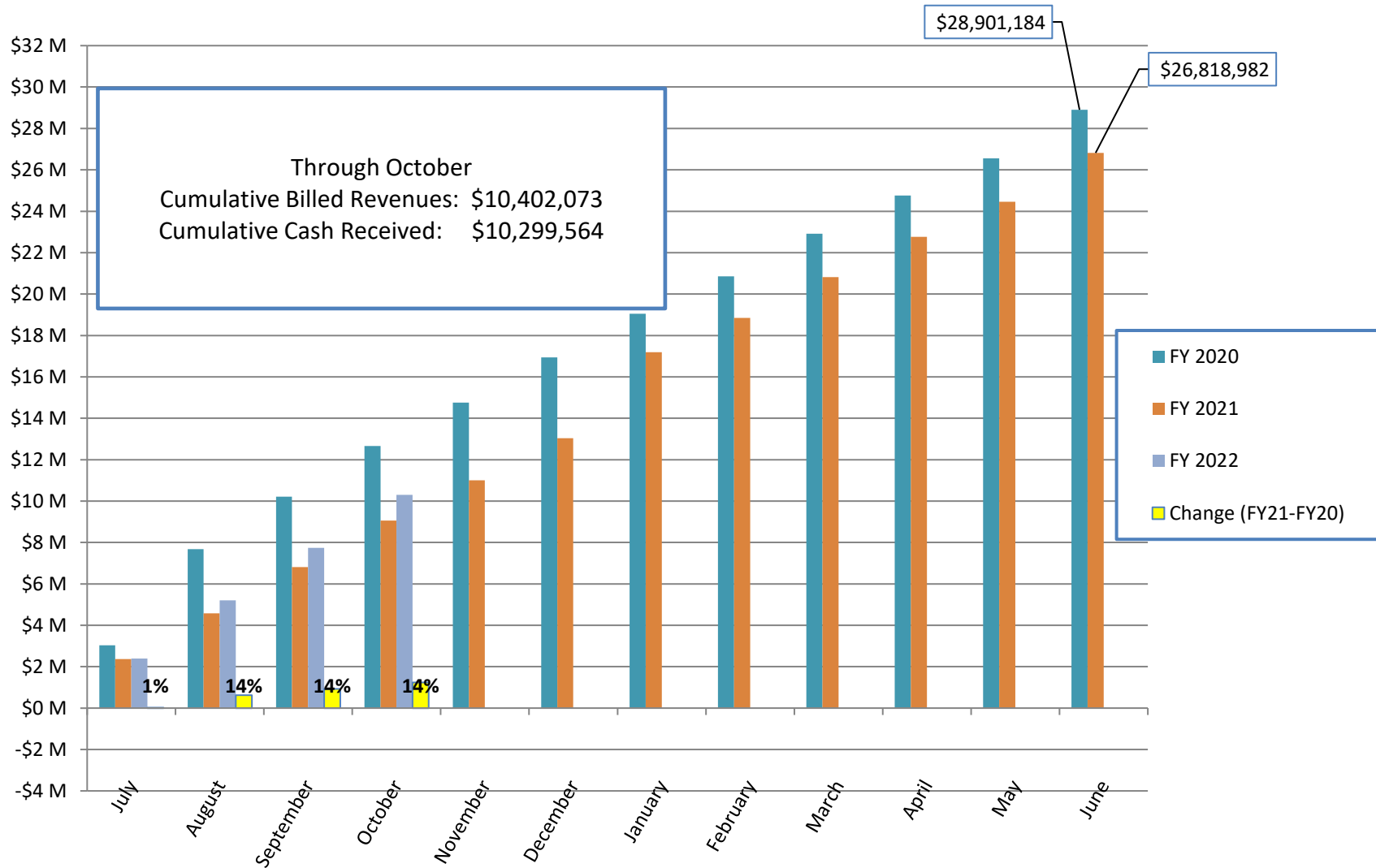
Total Through October
 FY 2020 = 1,425,794 kgal
 FY 2021 = 1,290,982 kgal
 FY 2022 = 1,491,953 kgal



(100,000)

■ FY 2020
 ■ FY 2021
 ■ FY 2022
 ■ MONTHLY INC. (DEC.)

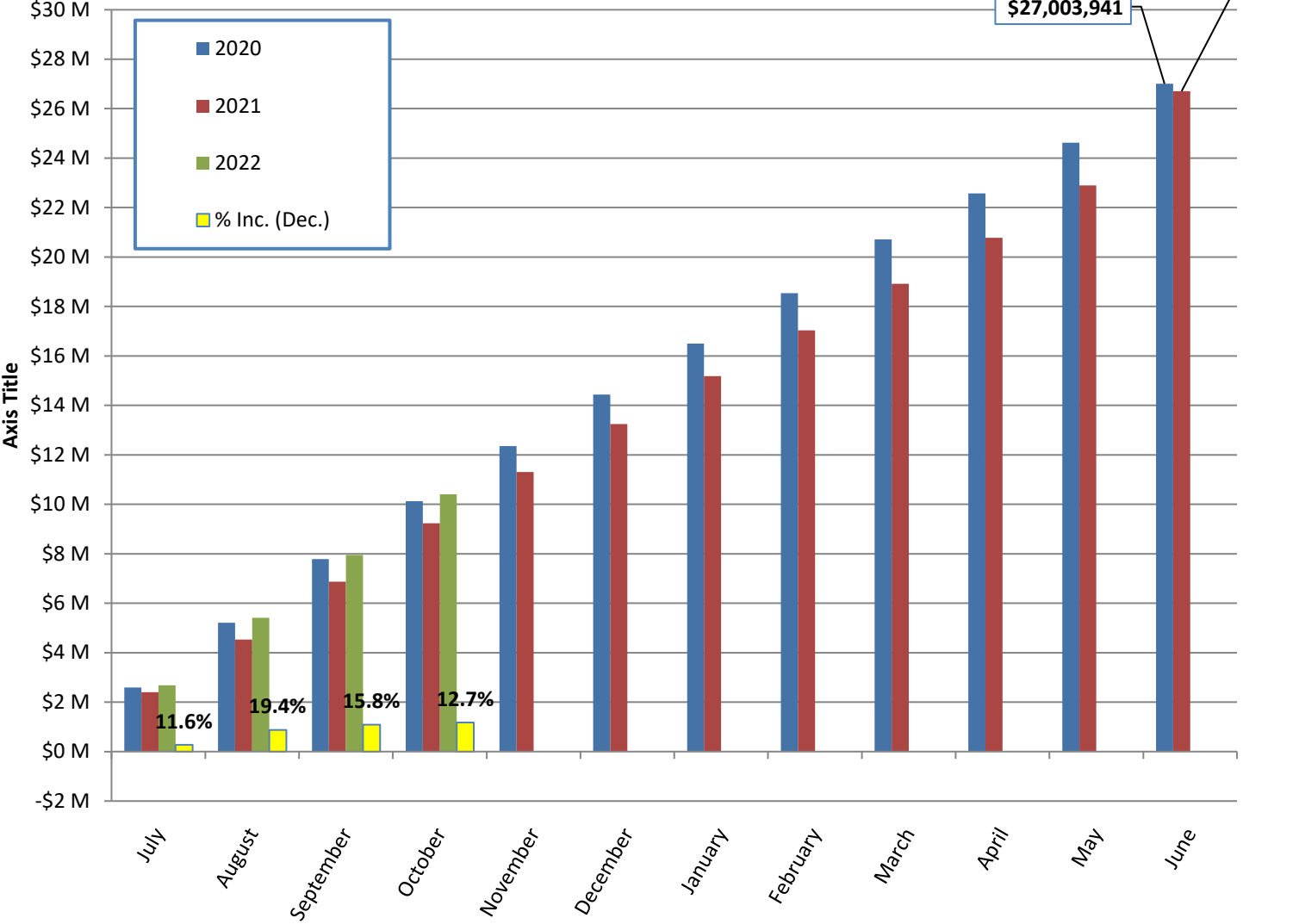
WU CUMULATIVE CASH RECEIPTS FY 2020, 2021 & 2022



Note: July '19-'20 receipts included a \$2.29 million state appropriation grant for the Hanapēpē

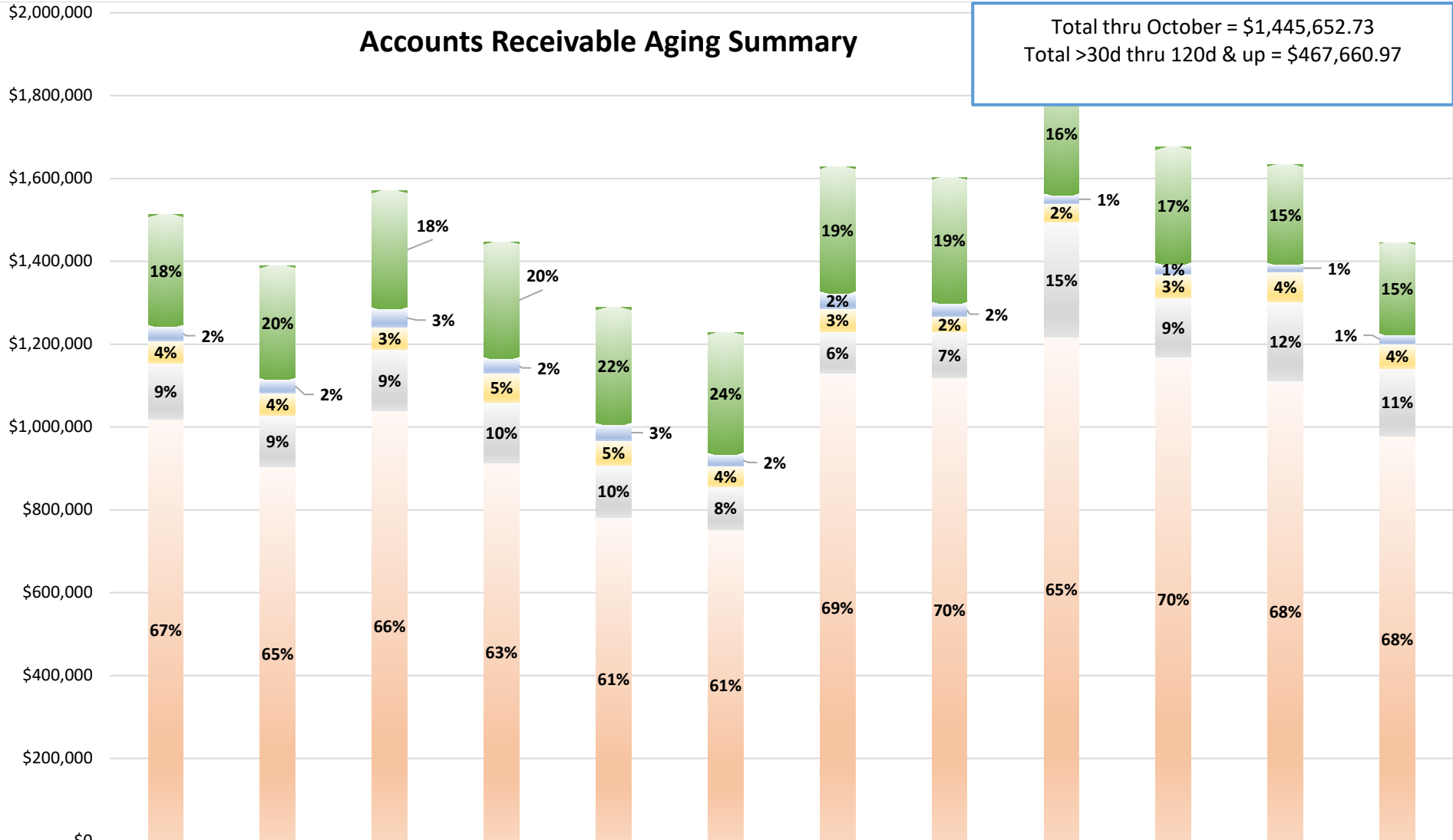
CUMULATIVE BILLED REVENUES

FY 2020, 2021 & 2022



Accounts Receivable Aging Summary

Total thru October = \$1,445,652.73
 Total >30d thru 120d & up = \$467,660.97



	Nov-20	Dec-20	Jan-21	Feb-21	Mar-21	Apr-21	May-21	Jun-21	Jul-21	Aug-21	Sep-21	Oct-21
121 days and over	\$270,064	\$275,630	\$285,894	\$282,561	\$282,746	\$295,191	\$305,635	\$304,593	\$299,428	\$282,882	\$240,783	\$223,428
91-120 days	\$34,480	\$31,783	\$43,603	\$34,412	\$38,586	\$28,801	\$36,974	\$31,973	\$20,378	\$23,726	\$18,305	\$21,463
61-90 days	\$54,366	\$54,399	\$54,665	\$70,380	\$59,276	\$48,425	\$56,984	\$36,744	\$44,461	\$57,021	\$73,096	\$59,044
31-60 days	\$134,340	\$123,236	\$147,762	\$147,068	\$125,361	\$103,880	\$99,573	\$111,658	\$278,491	\$142,845	\$189,626	\$163,726
0-30 days	\$1,019,504	\$904,886	\$1,038,902	\$912,997	\$782,492	\$752,624	\$1,129,799	\$1,117,983	\$1,216,650	\$1,169,088	\$1,111,708	\$977,992

DEPARTMENT OF WATER

County of Kaua'i

"Water has no Substitute – Conserve it!"

INFORMATION & EDUCATION SPECIALIST REPORT

November 18, 2021

Public Notices and Announcements

All news releases were sent to media partners, published online via the Department's Facebook page and on the County of Kaua'i's website at www.kauai.gov/press-releases. Additionally, roadwork notices are emailed to the Department of Transportation (DOT) communications office.

Service Announcements:

<i>Date Issued</i>	<i>Water System & Affected Service Areas</i>	<i>Announcement</i>	<i>Effective Date & Times</i>	<i>Other Notices</i>
10-14-2021	Hanapēpē – Iona Road, Pepe Road	Emergency shutdown on Iona Road and Pepe Road for waterline repairs	Oct. 14, 2021 7:30 a.m. to 3:30 p.m.	Blackboard CTY
10-14-2021	n/a	Partial lane closure on Kūhi'ō Highway in Kapa'a	Oct. 14, 2021 10 a.m. to 2:30 p.m.	n/a
10-14-2021	Ele'ele – Ele'ele Nani Subdivision	Water conservation request	Oct. 14, 2021 8 a.m. - until further notice	n/a
10-14-2021		4 p.m. update – Water conservation continues through 7 p.m.	Notice lifted at 7 p.m.	Blackboard CTY
10-21-2021	Department notice	DOW joins national 'Imagine a Day Without Water'	Oct. 21, 2021	n/a
10-21-2021	Waimea – Alawai Road	Water service shutdown on Alawai Road for hydrant replacement work	Oct. 21, 2021 10 a.m. to 3 p.m.	Blackboard CTY Door to door notices
10-22-2021	Department notice	DOW receives EPA WaterSense 2021 Excellence Award	n/a	Newspaper feature (Attached)
11-02-2021 PSA	Hanapēpē – portion of Koko Road and Ali'i Road	Emergency water service shutdown to conduct mainline improvement and repairs on Ali'i Road	Nov. 2, 2021 10 a.m. to 3 p.m.	Blackboard CTY Door to door notices

PSA: Public Service Announcement

Other Media:

The Department of Water was featured in the Garden Island Newspaper on Oct. 25, 2021, for honoring Breast Cancer Awareness Month in October. A news article with featured photo entitled, "Seeing Pink" composed by Dennis Fujimoto (Attached).

Public Relations Program

Community Outreach & Education

- The Department's "Wise Water Wednesday" campaign for the month of November includes information about water quality, billing service reminders, water meter information and outdoor conservation. The weekly media campaign is published on the Department's Facebook page, in radio advertisements and via a banner ad in the Garden Island Newspaper.
- PR coordinated community outreach efforts to reach families during the Halloween themed trick-or-treating events for Kalāheo Elementary School students, Kekaha and Waimea residents as part of Kekaha Elementary School's community drive thru event, and in Līhu'e as part of an event hosted by the Kaua'i Resilience Project. A donation of resource supplies included 1,500 pencils and 340 hand sanitizer bottles in total, were provided to these communities.
- PR is coordinating a distribution of "Make a Splash in-a-bag", as an effort to provide water education activity experiences that students can do at home or within their classroom; in lieu of the annual Make a Splash with Project WET (water education) festival (MAS). The bag will include: a Project WET activity with supplies, a Project WET activity booklet, a collapsible water bottle, hand sanitizer, a stylus pen, 5-minute shower timer and a Make a Splash lanyard to commemorate their experience. PR staff is contacting past MAS participating schools, which includes 5th grade level classes within public, private and charter schools for interest and bag distribution throughout the month of November.

Upcoming Community Outreach & Educational Events

- Water Education Presentation at Chiefess Kamakāhelei Middle School – Nov. 2021
- "Make a Splash in-a-bag" school distribution – Nov. 2021

Project WET Hawaii

- Project WET Hawai'i is coordinating a Facilitator training workshop on December 20-21, 2021.

Attachments: *The Garden Island* (DOW wins national award for excellence)
 The Garden Island (Seeing Pink)



DOW wins national award for excellence

THE GARDEN ISLAND

LIHU'E — The U.S. Environmental Protection Agency has recognized the county Department of Water with a 2021 WaterSense Excellence Award for its dedication to helping consumers and businesses save water through educational outreach, even with the challenges presented by the COVID-19 pandemic in 2020.

"We are extremely honored to receive this national recognition designated for excellence," DOW Manager and Chief Engineer Joseph Tait said in a press release.

"This achievement is a result of the volunteerism and dedicated service provided by our hardworking employees in support of the communities we serve."

DOW was recognized for promoting WaterSense and water efficiency throughout 2020 during a special

awards ceremony on Oct. 7, at the WaterSmart Innovations Conference and Exposition in Las Vegas.

DOW was selected as a recipient along with 33 other utilities, manufacturers, builders, retailers and other organizations that partner with WaterSense to promote water-efficient products, homes and programs.

"In 2020, our WaterSense partners continued to make saving water possible by educating consumers and businesses about WaterSense and water-efficient behaviors," said Veronica Blette, the WaterSense program manager.

"Our award winners' creative and committed approaches to water conservation helped consumers save water, energy and money on their utility bills at a time when they needed it most," she said.

EPA WaterSense honored DOW for its creative and strategic educational

outreach efforts, conservation programs and dedication as an EPA WaterSense Partner.

DOW's success proved that continuity in community outreach and education programs is possible during a pandemic. Award highlights included DOW's increased outreach efforts during Fix-a-Leak Week by offering leak-detection kits at their Lihu'e office and at a local farmers' market. DOW also provided countertop displays with free toilet-leak-detection tablets at three of the island's Ace Hardware stores.

To promote water emergency preparedness during hurricane season, DOW partnered with local schools to host drive-thru pick-up events around the island, and provided over 700 free collapsible water-storage jugs and emergency-preparedness brochures, encouraging families to start an emergency preparedness kit at home.

October is Breast Cancer Awareness Month *Seeing pink*

Dennis Fujimoto

THE GARDEN ISLAND

Edie Ignacio Neumiller, Kaua'i commissioner on the Hawai'i State Commission on the Status of Women, said the wearing of pink by county Department of Water employees is a commission event that started during the time she was a DOW employee. "This is a status-of-women thing," Neumiller said. "Jonell Kaohelauli'i picked this Friday to be the photo day when all DOW employees wearing pink could be photographed. Actually, Jonell adjusted this so, today, every

Friday in October is pink day."

Regina Carvalho, chair of the Kaua'i County Committee on the Status of Women, thanked the group, including DOW employee Christine Erorita who is a breast-cancer survivor, for their efforts at ending breast cancer forever.

Through the efforts of the Kaua'i County Committee on the Status of Women, the county has been illuminating with pink lights the Historic County Building and the Mo'ikeha Building at the Lihu'e Civic Center in observance of October as Breast Cancer Awareness Month.

"Most of us know someone who has been diagnosed with breast cancer, and we have seen the suffering and effects it has had on the patient and their families," Carvalho said.

"Although this is a challenging

Pink

Continued from A1

time, please don't make COVID-19 an excuse. Schedule your regular screening because early detection and diagnosis is key."

This is the fourth year the Historic County Building has been lit with pink lights. The tradition has expanded to the Mo'ikeha Building joining the illuminated buildings for Breast Cancer Awareness Month.

The public has been encouraged to wear pink throughout the month of October to show support for those affected by breast cancer.

This challenge has been answered by a number of community groups like the Kaua'i Pop Warner Football League, whose staff wear pink at all October games, the players don pink socks, and the officials from the Kaua'i Officials Association don pink during their officiating games at the Pop Warner and Kaua'i Interscholastic Federation football games.

"Building awareness is important, but taking action is essential," Carvalho said. "The Kaua'i Committee on the Status of Women encourages regular screenings and monthly self-exams, because early detection of breast cancer saves lives. Mahalo to the County of Kaua'i and all those who help make our pink vision a reality."

Dennis Fujimoto, staff writer and photographer, can be reached at 245-0453 or dfujimoto@thegardenisland.com.



DENNIS FUJIMOTO / THE GARDEN ISLAND

Regina Carvalho of the Kaua'i County Committee on the Status of Women, left, thanks the county Department of Water staff for wearing pink to show their commitment to ending breast cancer, Friday at the DOW offices in Lihu'e. Joining Carvalho is the Kaua'i commissioner to the Hawai'i State Commission on the Status of Women Edie Ignacio Neumiller, second from left in the group, who has extra pink ribbons for those not having any pink. The group from bottom row left includes Judy Hayducsko, DOW engineer and deputy manager), Ignacio Neumiller (DOW retired), Analyn Flores, Christine Erorita (breast-cancer survivor and DOW employee) and Gina Gudoy. The middle row from left are DOW's Jonell Kaohelauli'i, Mary-Jane Akuna and Ferdinand Mariano. At top from left are Mark Knoff, Jas Banwait and Joe Tait (DOW manager and chief engineer).

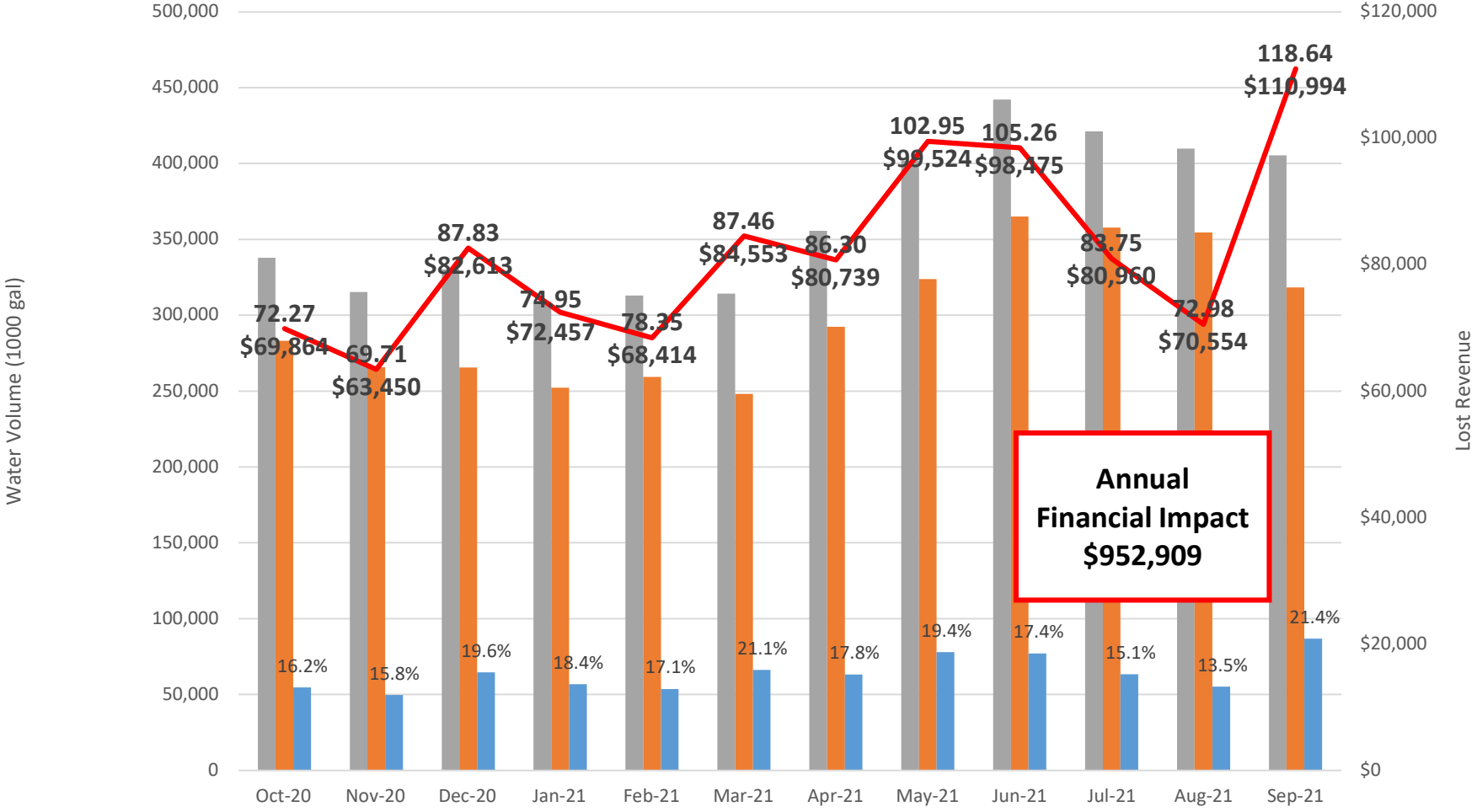
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Operations Services Dashboard								
Month	Leak Repairs	Calls for Service	Meters Installed	Temporary Hydrant Meters	Work Orders Issued	Work Orders Closed	One Call Requests	Hydrants Hit
July	33	191	103	0	176	165	13	1
August	27	220	99	3	187	184	18	6
September	19	193	106	1	180	175	39	1
October	32	198	23	0	146	101	25	1
November								
December								
January	33	183	64	2	178	172	36	2
February	26	213	52	4	126	122	25	1
March	36	215	30	2	345	167	31	0
April	36	217	76	0	182	174	33	2
May	26	229	53	2	167	165	51	2
June	40	211	74	2	167	162	18	1

Operations Contract Dashboard				
Open for Bid				
Type	Contract Number	Job Number	Title	Contractor/Vendor
Awaiting Board Approval				
Type	Contract Number	Job Number	Title	Contractor
Processing/Notice to Proceed				
Type	Contract Number	Job Number	Title	Contractor
Services	715		Hazmat Survey Old Admin Building	Belt Collins Hawaii
Services	716		Paua Valley Well MCC Replacement	Ronald N.S. Ho & associates
Goods	717		Various Trucks	Midpac Auto Center
Goods	718		Emergency Generator	Allied Machinery Corp.
Goods	719		Compact Track Loader	Allied Machinery Corp.

Highlights
1. Estimated non-revenue water due to flushing and reported leaks for the month of October is 530,053 gallons

Monthly Water Audit October 2020 - September 2021



	Oct-20	Nov-20	Dec-20	Jan-21	Feb-21	Mar-21	Apr-21	May-21	Jun-21	Jul-21	Aug-21	Sep-21
Produced	337,846	315,350	330,207	309,068	312,917	314,312	355,704	401,828	442,170	421,226	409,825	405,337
Customer Meter Read	283,136	265,663	265,514	252,328	259,343	248,100	292,478	323,892	365,056	357,828	354,575	318,419
Waterloss	54,710	49,687	64,693	56,740	53,574	66,212	63,226	77,936	77,114	63,398	55,250	86,918
Waterloss	\$69,864	\$63,450	\$82,613	\$72,457	\$68,414	\$84,553	\$80,739	\$99,524	\$98,475	\$80,960	\$70,554	\$110,994

DEPARTMENT OF WATER

County of Kaua'i

"Water has no Substitute – Conserve It!"

MANAGER'S UPDATE

November 18, 2021

Pursuant to Board Policy No. 3

CONTRACTS AWARDED/EXTENSION/AMENDMENTS:

**1 TENTH AMENDMENT TO CONTRACT NO. 535 JOB NO. WRP 01 FY05-06
KAUA'I WATER USE AND DEVELOPMENT PLAN UPDATE, LIHU'E,
KAUA'I, HAWAII WITH FUKUNAGA AND ASSOCIATES, INC. FOR A
CONTRACT TIME EXTENSION TO MAY 13, 2022**

FUNDING:

Account No.	10-22-10-540-010			
Acct Description	WU/Plan/Admin/Professional Services			
Funds Available	Verified by WWC		\$	N/A
Contract No.	535			
Vendor	Fukunaga and Associates, Inc.			
	Contract Amount	\$	513,000.00	
	5% Contingency	\$	1,000.00	
	First Amendment	\$	0.00	
	Second Amendment	\$	0.00	
	Third Amendment	\$	0.00	
	Fourth Amendment	\$	0.00	
	Fifth Amendment	\$	114,400.00	
	Sixth Amendment	\$	0.00	
	Seventh Amendment	\$	0.00	
	Eighth Amendment	\$	0.00	
	Ninth Amendment	\$	0.00	
	Total Funds Certified To Date	\$	628,400.00	
Tenth Amendment:				
	Contract Time Extension of 180 calendar days	\$	0.00	
	Total Amendment	\$	0.00	
	Contract Amount To Date	\$	627,400.00	
Fund Balance			\$	N/A

BACKGROUND:

Contract NTP Date: July 25, 2011

Original Contract End Date: January 10, 2014

New Contract End Date: May 13, 2022

Notice to proceed for this project was issued on July 25, 2011 with a contract completion date of January 10, 2014. A request for a contract time extension was reviewed, granted and executed on September 10, 2014 to extend the contract completion date to July 2, 2016. An additional contract time extension was reviewed, granted and executed on September 7, 2016 to extend the contract completion date to December 19, 2018.

Due to circumstances beyond the contractor's control, the project has not been able to be completed by the December 19, 2018 contract completion date as several significant policy and water-related issues have caused delays and changes in the original scope of the project. Some of these changes include the coordination of the Kaua'i Water Use and Development Plan (KWUDP) with the Kaua'i General Plan Update, evaluation of the recently completed Līhu'e Community Plan and South Community Plan, coordination with the Commission on Water Resource Management (CWRM) on the update of the Aquifer Section and System sustainable yields (SY) and a request by CWRM regarding the evaluation of traditional and customary practices of the resource.

The project originally evaluated the 2000 Kaua'i General Plan, which has since been updated by the County of Kaua'i Planning Department and approved by the Kaua'i County Council in 2018. The DOW and its consultant coordinated with the Planning Department periodically during the update process to ensure that the impacts of the Kaua'i General Plan Update would be reviewed and addressed in the KWUDP. Additionally, the evaluation of the recently completed Līhu'e Community Plan and South Kaua'i Community Plan were conducted. The evaluation of these recently completed plans, Kaua'i General Plan update, Līhu'e Community Plan and South Kaua'i Community Plan, were not part of the original proposal.

In late 2015, CWRM provided preliminary information of the Aquifer Section and System SY. The information at the time indicated that the new SY for the Hanamā'ulu and Kōloa Aquifer System Areas may have significant impact on the comparison with water demands associated with the full build-out of the County General Plan and Community Development Plans. Discussion and feedback ensued between CWRM, the DOW and the Planning Department regarding the SY values. Subsequent discussion with CWRM indicated that the new SY would not be as low as the 2016 estimates and should not have a significant impact on the comparison with full build-out water demands. It was emphasized that, while CWRM is confident in the new SY values, the SY values may still change and are not final until the Water Resource Protection Plan (WRPP) Update is approved. A public review of the draft WRPP Update was released on November 2, 2018.

In 2016, CWRM also requested that counties incorporate the Ka Pa'akai analysis into the Water Use and Development (WUDP) update to the greatest extent possible and specifically mentioned the Aha Moku Advisory Committee (AMAC). The AMAC is administratively attached to the DLNR and which is utilized as a conduit for identifying valued resources, traditional and customary practices and appropriate mitigation. An AMAC representative has been added to the KWUDP stakeholder advisory group.

These unanticipated changes have caused work to proceed at a pace slower than originally anticipated and have required additional resources and coordination efforts with other agencies, stakeholder groups and the public to verify that information originally obtained at the onset of the project is still accurate and current. Additionally, a higher level of coordination and outreach is required to gather stakeholder and public advisory group information. Hence, a fifth location for public meetings will be added on top of the four locations originally planned, for greater outreach.

In order to complete the project with the additional project requirements noted above and provide the necessary time for the approval process, Fukunaga and Associates, Inc. provided a fee proposal of \$114,400.00 and a contract time extension request of 180 days.

The proposal for the additional tasks were requested and received by the Department on December 13, 2018. In an effort to review the proposal and prepare a contract amendment for the additional scope and time required to complete the project, the Department issued a Stop Work Order on December 17, 2019 for sixty (60) calendar days ending on February 17, 2019. A Stop Work Order Supplemental Agreement was issued by the Procurement Office on February 7, 2019 to extend the suspension of the Contract an additional ninety (90) calendar days end on May 8, 2019.

A third contract amendment was issued to allow the performance of the Contract to resume at the end of the suspension period, May 8, 2019, and continue pending the anticipated approval and execution of a fourth amendment by the Board at its May 24, 2019 meeting.

The Board at its May 24, 2019 Board meeting, decided to defer the Manager's updates to be heard at a subsequent Board meeting. The Manager's update included the report to manager requesting approval to execute a fourth contract amendment for additional tasks, cost and time.

A fourth contract amendment was issued to allow the performance of the Contract to continue from May 24, 2019, for one hundred eighty (180) calendar days or less to allow the Board time to review and approve a fifth amendment for additional tasks, time and cost to this Contract.

A fifth contract amendment was issued on June 28, 2019 to extend the Contract an additional one hundred eighty (180) calendar days to address the changes in scope and provide compensation for the additional tasks, for completion date of December 25, 2019.

A sixth contract amendment was issued on December 20, 2019 to extend the Contract an additional one hundred eighty (180) calendar days to accomplish the additional scope and tasks identified in the fifth contract amendment, with a completion date of June 17, 2020.

A seventh contract amendment was issued on May 28, 2020 to extend the Contract an additional one hundred eighty (180) calendar days to accomplish the additional scope and tasks identified in the fifth contract amendment, with a completion date of November 24, 2020.

A eighth amendment was issued to allow the Contractor additional contract time of one hundred eighty (180) calendar days, ending May 18, 2021 to accomplish the work identified in the fifth amendment.

A ninth amendment was issued to allow the Contractor additional contract time of one hundred eighty (180) calendar days, ending November 14, 2021 to accomplish the work identified in the fifth amendment.

This tenth amendment will allow the Contractor additional contract time of one hundred eighty (180) calendar days, ending May 13, 2022 to accomplish the work identified in the fifth amendment.

2 CONTRACT AWARD TO KING WINDWARD NISSAN, LLC GS-2022-04 FURNISH AND DELIVER ONE (1) SUV ALL-WHEEL DRIVE VEHICLES WITH ACCESSORIES IN THE AMOUNT OF \$30,148.18

MANAGER'S UPDATE

Re: Manager's Update for October 2021 to November 2021

November 18, 2021

Page 4 of 4

FUNDING:

Account No.	10-30-00-604-999			
Acct Description	WU/Bill/Collection/Capital Outlay – R&R/Misc. Capital Purchases			
Funds Available	<i>Verified by WWC</i>		\$	30,143.18
Contract No.	720			
Vendor	King Windward Nissan, LLC			
	Contract Amount	\$	30,143.18	
	5% Contingency	\$	N/A	
	Total Funds Certified	\$	30,143.18	\$ <30,143.18>
Fund Balance			\$	0.00

BACKGROUND:

The Department solicited for vehicles and bids were opened on October 15, 2021, to replace the meter readers aging vehicles. Bids were received and reviewed, resulting in King Windward Nissan being the responsive bidder. Their price is also fair and reasonable.

WAIVER, RELEASE & INDEMNITY APPLICATIONS:

None

PERSONNEL MATTERS

Please reference attachment.

Pursuant to Board Policy No. 24

CONVEYANCE OF WATER FACILITIES \$784,810.32

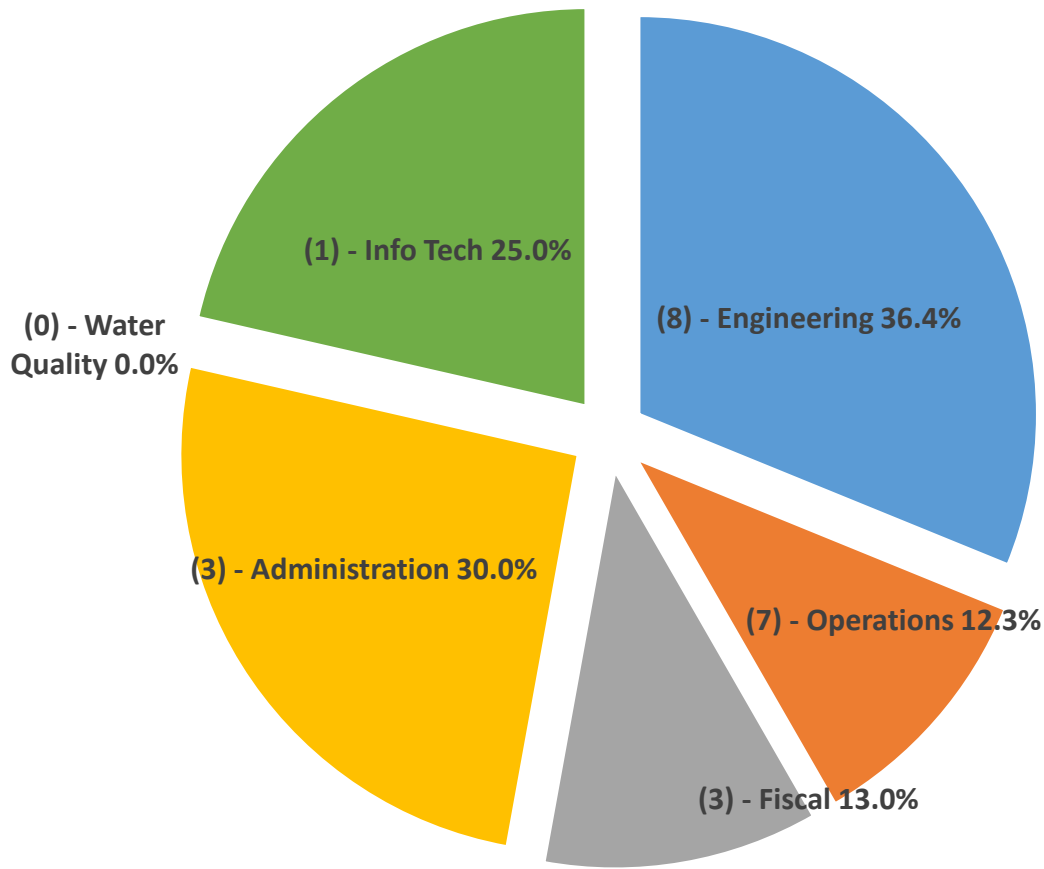
Mike H. Zaidlin	5-9-005:008	Haena	\$30,243.45
Timothy Bror Beckman, aka Timothy Beckman, Trustee Mira Hess, Trustee	2-8-014:038	Koloa	\$23,232.45
County of Kauai, a political subdivision of the State of Hawaii [Opaekaa Bridge Repair/Rehabilitation]	4-2-06	Kapa'a	\$271,769.42
Kukuiula Development Company (Hawaii), LLC, [Parcel CC West Phase 2]	2-6-19:069	Koloa	\$199,719.00
Waimea Huakai Land LLC Kauai Habitat for Humanity Inc.	1-6-008:006; 1-6-008:028 thru 1-6-008:062; 1-6-008:064; 1-6-008:065	Waimea	\$259,846.00

OTHER ITEMS OF INTEREST:

1. Correspondence from Michael Serpa, owner/developer Kōloa Village Project, re: FRC Charge \$138,300 dated July 21, 2021.

A refund check was issued to Kōloa Village and hand delivered on November 8, 2021.

Personnel Dashboard



Vacancies by Division

(# Vacancies), Division, Percent Vacant

Summary

Total Authorized = 118

Total Vacant = 22

Actively Recruiting = 7

Highlights

1. I.T. Specialist III started 11/1/2021.
2. Project Management Officer interview in early November.