

BOARD OF WATER SUPPLY

JULIE SIMONTON, CHAIR
GREGORY KAMM, VICE CHAIR
KURT AKAMINE, SECRETARY

TOM SHIGEMOTO, MEMBER
LAWRENCE DILL, MEMBER
KA'AINA HULL, MEMBER
TROY TANIGAWA, MEMBER



REGULAR MONTHLY MEETING NOTICE AND AGENDA

Thursday, November 17, 2022
9:30 a.m. or shortly thereafter

Meetings of the Board of Water Supply, County of Kaua'i will be conducted in-person at the Department of Water Board Room, 2nd Floor located at 4398 Pua Loke Street, Lihue, Kauai, Hawaii, and remotely in accordance with Act 220, Session Laws of Hawai'i 2021 via interactive conference technology as follows:

Click on the link below to join on your computer or mobile app by VIDEO:

<https://us06web.zoom.us/j/82022431108>

OR

Dial phone number and enter conference ID to call in and join by AUDIO:

Phone: 888 788 0099 US Toll-free
Phone Conference ID: 820 2243 1108

Please Note: If you do not provide a name, unique identifier, or alias when joining the meeting, you will be renamed to allow staff to address and manage individual guests.

In the event of a lost connection the Board will recess for up to 30 minutes to restore the connection. If the connection cannot be restored within 30 minutes, the Board will continue the meeting to 12:00 p.m. or shortly thereafter. If the visual link cannot be restored, the Board may reconvene with an audio-only link using the above dial-in phone number and conference ID. A lost connection only applies to remote connections provided as part of the remote meeting but does not apply to a public member being unable to access the meeting due to a connectivity issue on their end.

CALL TO ORDER

ROLL CALL

ANNOUNCEMENTS

Next Scheduled Meeting: Thursday, December 15, 2022 – 9:30 a.m.

APPROVAL OF AGENDA

APPROVAL OF MEETING MINUTES

1. Regular Board Meeting – October 27, 2022
2. Executive Session – October 27, 2022

PUBLIC TESTIMONY

NEW BUSINESS

1. Manager's Report No. 23-06 Discussion and Possible Action to approve the right-of-entry agreement from Paul R. Cassidy, Jr. and Carroll S. Taylor, Co-Trustees under the Will and of the Estate of Mary N. Lucas; TMK: (4) 5-2-021:022, Kilauea, Kauai, Hawaii
2. Manager's Report No. 23-07 Discussion and Possible Action on a Determination pursuant to Hawaii Revised Statutes Ch. 201M; the Repeal of Part 1, Rules of Administrative Practice and Procedure, Section III Officers and Their Duties, subsection 1 Chairperson, paragraph b, subparagraph 2; the Repeal of Part 1, Rules of Administrative Practice and Procedure, Section III Officers and Their Duties, subsection 3 Secretary, paragraphs b, c. and d; and confirmation that the administrative functions covered in these Rules are delegated to and shall remain with Department personnel.
3. Manager's Report No. 23-08 Discussion and Possible Action on Manager and Chief Engineer's Proposed Goals for 2023
 - a. Review and Discussion
4. Election of Board Officers for 2023:
 - a. Chair, Vice Chair and Secretary
 - b. Rules Committee Chair and members
 - c. Finance Committee Chair and members

STAFF REPORTS

1. Fiscal - Statement of Revenues and Expenditures
 - a. October Monthly Summary Budget
 - b. Accounts Receivable Aging Summary
2. Public Relations Activities – updates on Public Notices & Announcements, Community Outreach & Education and Upcoming Events
3. Operational Activities – Monthly service dashboard & highlights, Monthly comparison of water produced, customer meter read, and water loss
4. Manager and Chief Engineer – update on monthly activities, personnel matters, and required communications to the Board

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

1. Discussion and Possible Action on Manager and Chief Engineer Goals for Calendar Year 2023

TOPICS FOR FUTURE BOARD OF WATER SUPPLY MEETING

2. DOW Draft Audit Financial Statements and Independent Auditor's Report for Fiscal Year Ending 2022
3. Update regarding DOW's Water System Investment Plan
4. Report from Manager and Chief Engineer – Manager's DOW Performance Audit
5. Updates on various DOW Programs identified in December, 2021-22

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 Hawaii Revised Statutes §92-4 and §92-5(a)(4) the purpose of this Executive Session is to consult with the Board's attorney on questions and issues pertaining to the board's powers, duties, privileges, immunities, and liabilities as it relates to:

KIA'I WAI O WAI`ALE`ALE v. DEPARTMENT OF WATER, COUNTY OF KAUA`I, Civ. No.5CC 18-1-0063 and SCAP 20-000487

2. Pursuant to Hawaii Revised Statutes §92-4 and §92-5(a)(2) the purpose of this Executive Session is to consider the hire, evaluation, dismissal, or discipline of an officer or employee or of charges brought against the officer or employee, 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:

Annual Job Performance Evaluation for the Manager and Chief Engineer

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 during the Public Testimony portion.

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
Līhu'e, Hawai'i 96766

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

Public Testimony

You do not need to register to provide oral testimony on the day of the meeting. Please note that public testimony is taken after the approval of the meeting agenda to ensure public testimony is received before any action is taken on an agenda item. The length of time allocated to present oral 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 fulfil your request. Upon request, this notice is available in alternate formats such as large print, Braille, or electronic copy.

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

DRAFT

MINUTES

MINUTES
BOARD OF WATER SUPPLY
Thursday, October 27, 2022

The Board of Water Supply, County of Kaua'i, met in a regular meeting in Līhu'e on Thursday, October 27, 2022. Chair Julie Simonton called the meeting to order at 9:37 a.m. The following Board members were present:

BOARD:

Ms. Julie Simonton, *Chair* (remote)
Mr. Gregory Kamm, *Vice Chair*
Mr. Lawrence Dill (remote)
Mr. Troy Tanigawa (remote)
Mr. Ka'aina Hull (*entered at 10:07 a.m.*) (remote)

EXCUSED:

Mr. Kurt Akamine
Mr. Tom Shigemoto

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

ANNOUNCEMENTS

Next Scheduled Meeting: Thursday, November 17, 2022 – 9:30 a.m.

APPROVAL OF AGENDA

The agenda was approved with no objections.

APPROVAL OF MEETING MINUTES

1. Finance Committee Meeting – September 19, 2022
2. Regular Board Meeting – September 22, 2022

The meeting minutes were approved with no objections.

PUBLIC TESTIMONY

No public testimony was received.

NEW BUSINESS

1. Discussion and Adoption of Resolution No. 23-03, Mahalo to Participants and Partners of the 2022 Make-A-Splash with Project WET Water Festival

Board member Dill moved to approve Resolution No. 23-03, seconded by Mr. Tanigawa; with no objections, motion carried with 4 Ayes.

STAFF REPORTS

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

Assistant Waterworks Controller Marcelino Soliz provided an overview of the August Fiscal Report submitted. He noted that the September report did not make the posting date and was being presented as an addition to the staff reports. He provided an overview of the September report.

2. Public Relations Activities – updates on Public Notices & Announcements, Community Outreach & Education, Upcoming Events, and Project WET

Information and Education Specialist Jonell Kaohelaulii provided an overview of the Public Relations report submitted.

3. Operational Activities – Monthly service dashboard & highlights, Monthly comparison of water produced, customer meter read, and water loss

Chief of Operations Val Reyna provided an overview of the Operations Report submitted noting there were no hydrants hit for the month of September.

4. Manager and Chief Engineer – update on monthly activities, personnel matters, and required communications to the Board

Manager Joe Tait provided an overview of the Manager's Update submitted. He invited Civil Engineer Dustin Moises and Information and Education Specialist Jonell Kaohelaulii to go over the Division dashboards that will now be included in the Manager's updates each month. Board member Dill requested the data be presented in graph format rather than tables as a graph view will allow for comparison of the numbers more easily.

Board member Ka'aina Hull entered the meeting.

QUARTERLY REPORTS:

1. Build America Bond – Statement of Expenditures
The Statement of Expenditures was not available.
2. Claims Settled by Department of Water
There were no claims this quarter.
3. Engineering
Acting Deputy Manager Michael Hinazumi provided an overview of the Engineering report submitted. Vice Chair Kamm asked whether the decrease in building permit applications has increased the approval output to which Mr. Hinazumi explained that Engineering is still experiencing staffing shortages which continues to be a challenge. He stated that the average time for permit approval is roughly three weeks for standard type permits, and approximately 30-60 days for more complex types.
4. Information Technology
IT Specialist V Wayne Takabayashi provided an overview of the IT report submitted.

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

1. Election of Officers for 2023
2. Update on Department Organizational Charts

TOPICS FOR FUTURE BOARD OF WATER SUPPLY MEETINGS:

1. DOW Draft Audit Financial Statements and Independent Auditor's Report for Fiscal Year Ending 2022
2. Manager and Chief Engineer Goals for Calendar Year 2023

3. Update regarding DOW's Water System Investment Plan
4. Report from Manager and Chief Engineer – Manager's DOW Performance Audit
5. Updates on various DOW Programs identified in December, 2021-22

EXECUTIVE SESSION:

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1. Pursuant to Hawaii Revised Statutes §92-4 and §92-5(a)(2) the purpose of this Executive Session is to consider the hire, evaluation, dismissal, or discipline of an officer or employee or of charges brought against the officer or employee, 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:

Annual Job Performance Evaluation for the Manager and Chief Engineer

2. Pursuant to Hawaii Revised Statutes §92-4 and §92-5(a)(4) the purpose of this Executive Session is to consult with the Board's attorney on questions and issues pertaining to the board's powers, duties, privileges, immunities, and liabilities:

Supreme Court Ruling – KIA'I WAI O WAI'ALE'ALE

The Board invited Manager Joseph Tait and Acting Deputy Manager Michael Hinazumi to participate in the Executive Session.

The Board entered into Executive Session at 10:26 a.m.

The Board resumed in open session at 11:49 a.m.

ADJOURNMENT

The meeting was adjourned at 11:49 a.m.

Respectfully submitted,

Approved,

Cherisse Zaima
Commission Support Clerk

Kurt Akamine
Secretary, Board of Water Supply

A horizontal splash of clear blue water with bubbles, positioned across the middle of the page. The text 'NEW BUSINESS' is overlaid on this splash, with 'NEW' above the water and 'BUSINESS' below it. Both words have a reflection effect below the water line.

NEW

BUSINESS

DEPARTMENT OF WATER

County of Kaua'i

"Water has no Substitute – Conserve It!"

MANAGER'S REPORT No. 23-06

November 17, 2022

Re: Discussion and Possible Action to approve the Right-of-Entry agreement from Paul R, Cassidy, Jr. and Carroll S. Taylor, Co-Trustees under the Will and of the Estate of Mary N. Lucas, TMK: (4) 5-2-021:022, Kīlauea, Kaua'i, Hawai'i

RECOMMENDATION:

It is recommended that the Board approve a Right-of-Entry (ROE) from Paul R. Cassidy, Jr. and Carroll S. Taylor, Co-Trustees under the Will and of the Estate of Mary N. Lucas to perform the professional services (planning, design and construction) for a potential well source for the Kīlauea water system.

FUNDING: N/A

BACKGROUND:

The Department of Water, County of Kaua'i (DOW) currently has an existing restriction in the Kīlauea Water System due to both the source and storage facilities operating at capacity. To address the source limitation for the Kīlauea Water System, the Department, in conjunction with its hydrologic consultant services, has identified potential sites which would likely produce successful well sources. The Mary N. Lucas estate property has been identified as a potential well source site. The trustees are amenable to allow the Department access to drill and test a potential well source.

A Right-of-Entry (ROE) agreement has been prepared to allow the Department access to the Mary N. Lucas Estate property to perform the professional services (planning, design and construction) for a potential well source.

OPTIONS:

Option 1: Approve the ROE from the Will and Estate of Mary N. Lucas.

Pro: This will allow the DOW to perform the professional services (planning, design and construction) for a potential well source.

Con: None.

Option 2: Do not approve the ROE from the Will and Estate of Mary N. Lucas

Pro: None.

Con: Not approving the submittal would prevent the DOW from acquiring the rights to perform the professional services (planning, design and construction) for a potential well source to help address its source capacity challenge.

Attachment(s): Right-of-Entry Agreement

LAND COURT SYSTEM

REGULAR SYSTEM

After Recordation, Return by: Mail () Pickup ()

CARROLL S. TAYLOR, ESQ. (mwg)
TAYLOR LEONG & CHEE
737 BISHOP STREET SUITE 2060
HONOLULU HI 96813

This document contains ___ pages.

TYPE OF DOCUMENT:

RIGHT-OF-ENTRY

PARTIES TO DOCUMENT:

GRANTOR: PAUL R. CASSIDAY, JR. and CARROLL S. TAYLOR,
Co-Trustees under the Will and of the Estate of Mary N. Lucas
737 Bishop Street, Suite 2060
Honolulu, Hawaii 96813

GRANTEE: BOARD OF WATER SUPPLY, COUNTY OF KAUAI
c/o Department of Water
4398 Pua Loke Street
Lihue, Kauai, Hawaii 96766

TAX MAP KEY FOR PROPERTY:

(4) 5-2-021:022

RIGHT-OF-ENTRY

THIS RIGHT-OF-ENTRY ("Right-Of-Entry") is made effective this _____ day of _____, 20____ ("Effective Date"), by and between PAUL R. CASSIDAY, JR. and CARROLL S. TAYLOR, Co-Trustees under the Will and of the Estate of Mary N. Lucas, deceased, whose mailing address is 737 Bishop Street, Suite 2060, Honolulu, Hawaii 96813, hereinafter called the "Grantor", and the BOARD OF WATER SUPPLY, COUNTY OF KAUAI, whose mailing address is c/o Department of Water, 4398 Pua Loke Street, Lihue, Kauai, Hawaii 96766, hereinafter called the "Grantee".

I. RECITALS

A. The Grantor is the owner of that certain real property known as the Kilauea Cemetery Lot which contains 1.643 acres and is located in Kilauea, Hanalei, Kauai, Hawaii, and identified by Kauai Tax Map Key No. (4) 5-2-021:022 ("Property").

B. The Grantee wishes to enter onto the Property to determine whether there is a location suitable for the construction of a potable water well (the "Well Site") and one or more wells, pumps, storage and mixing tanks, pavement, buildings, drainage facilities, electrical facilities, a security fence and gate, and other related improvements ("Appurtenant Facilities") on the Property; and to develop and use the well if the location is found to be suitable; and to identify suitable locations on the Property for a road access easement, drainage easement, and water line easements from Kuhio Highway to the Well Site and within the Property, as needed (collectively, the "Easements") (the "Work").

C. The Grantor is willing to provide the Grantee with access to the Property to undertake the Work subject to the terms and provisions of this Right-Of-Entry.

II. AGREEMENT

For and in consideration of the sum of One Dollar (\$1.00) to the Grantor paid, the receipt whereof is hereby acknowledged, the Grantor does hereby grant to the Grantee, its successors and assigns, a right-of-entry subject to the following terms and conditions:

1. Location. The Right-Of-Entry shall be over and across such portions of the Property, identified as Exhibit "A", as may be reasonably necessary to access and undertake the Work on the Property (the "Project Area").

2. Purpose. The Right-Of-Entry shall be used by the Grantee and the Grantee's contractors, subcontractors, employees, agents, consultants, suppliers, and all other persons participating with or assisting the Grantee ("Grantee's Agents") for the purpose of undertaking the Work on the Property. Provided, however, that nothing herein shall allow the general public to use the Project Area.

3. Term/Termination. This Right-Of-Entry shall continue until terminated as provided herein. If not sooner terminated, this Right-of-Entry shall terminate seven hundred thirty (730) calendar days after the Effective

Date of this Right-of-Entry if well drilling has not commenced. If well drilling has commenced, this Right-Of-Entry shall terminate three hundred sixty five (365) calendar days after the completion of the well drilling and pump testing to allow the Grantee time to determine if the Property is a feasible Well Site.

4. Acceptance of Project Area "As-Is". The Grantee acknowledges that the Grantor has not made, and does not hereby make, any representation or warranty as to the physical condition of the Property, the Project Area, and the improvements thereon, and that the Grantee hereby accepts the Property, the Project Area, and the improvements thereon "as is, where is," in their existing physical condition.

5. Use of Project Area. The Grantee agrees that the Project Area shall be used on a temporary basis only for purposes described herein. The Grantee agrees to exercise due care when using the Project Area. The Grantee shall undertake reasonable and customary mitigative measures, including Best Management Practices to avoid damaging or disturbing any graves or burials located on the Property and to control dust and noise emissions caused by the use of the Project Area. After any use, the Grantee shall restore any areas disturbed by such use to their original condition or better, to the extent reasonably possible.

6. Assumption of Risk by Grantee. The Grantor shall not be liable to Grantee for any damage occasioned by any means whatsoever, including but not limited to, fire, water, gas, explosion, electricity, steam, sewerage, wiring, deluge, rain, wind, storm, overflow of ocean waters, earthquakes, acts of a public enemy, war, rebellion, sabotage, transportation embargoes, failures or delays in transportation, epidemic, quarantine restrictions, water shortages, drought or other weather conditions, pestilence, disease, acts of God, acts, rules, regulations, orders or directives of any governmental authority or the order of any court of competent jurisdiction, bursting, leaking or overflow of water, gas, sprinkler or any pipes, plumbing or apparatus, or running of any tank, washstand, closed or waste or other pipes in or about the Project Area, nor for any damage occasioned by water coming into the Project Area from any source whatsoever, nor any existing or future condition, defect, matter, or thing in the Project Area, nor from any damage arising from any acts or neglect of any other party or any adverse environmental condition.

7. Observance of Laws. The Grantee will not make or suffer any strip or waste, nor make or suffer to be made any unlawful, improper or offensive use of the Project Area or any part thereof, or improvements thereon, and will comply with all laws, ordinances, rules and regulations made by or by authority of the federal, state or any municipal or other local government, any board, division or agency thereof or other lawful authority, applicable to the Project Area; and will not do or knowingly permit or suffer to be done on the Project Area anything whereby, or by reason whereof, the Project Area or any part thereof or interest therein may be forfeited, or the use thereof may be enjoined or prevented under any law, ordinance, regulation or rules.

8. No Interference With Uses on Property. The Grantee will not interfere with any work being performed, or other operations being carried out, or use being engaged in on the Property by, on behalf of, or authorized by the Grantor or any tenant, lessee, or licensee of the Grantor.

9. Breach and Removal. In the event the Grantee's activities shall in any way be outside the scope of or in breach of this Right-Of-Entry, the Grantee will remove all of the Grantee's property and personnel from outside the Project Area promptly into the Project Area upon the oral request by the Grantor to do so. If the Grantee fails to cure within 5 business days, the Grantor may rescind this Right of Entry in writing requiring the Grantee to remove all of the Grantee's property and personnel from the Project Area.

10. Grantee's Liability. The Grantee agrees to indemnify, defend, and hold harmless the Grantor against all claims, damages and expenses arising out of the exercise of this Right-Of-Entry and be responsible, for damage or injury caused by the Grantee's officers, employees, agents, and contractors in the scope of their employment, negligent actions or omissions arising out of the exercise of this Right-Of-Entry. The Grantee shall be fully responsible to compensate Grantor or the Grantor's licensees for any damages to the Project Area or facilities on the Project Area resulting from the Grantee's or DOW's activities thereupon. The Grantee shall not be considered an employee, independent contractor, or agent of the Grantor.

11. Release of Claims. The Grantee hereby releases the Grantor, and the Grantor's successors and assigns, from any and all liability, losses and damages arising out of or related to the Grantee's, or the Grantee's agents' or contractors', entry upon or use of the Project Area, including but not limited to any such liability related to the physical condition of the Project Area.

12. No Liens. The Grantee shall take no action nor refrain from taking any action, nor shall the Grantee allow or authorize its agents or contractors to take any action or refrain from taking any action, by or as a result of which the Project Area or any portion thereof shall be made subject to any mechanics' or materialmen's lien or any other attachment, execution or judgment lien, or any other charge or encumbrance whatsoever. Should any such lien, charge or encumbrance or notice thereof be recorded, filed or attached to the Project Area as a result of Grantee's actions, then the Grantee shall immediately pay off the same and cause the same to be satisfied and discharged of record, all at the sole expense of the Grantee. If the Grantee does not cause to be discharged any mechanic's or materialmen's lien or any other attachment, execution or judgment lien, or any other charge or encumbrance whatsoever which has been recorded, filed or attached to the Project Area as a result of Grantee's actions, the Grantor may cause the same to be discharged of record, and any amount so paid by the Grantor shall thereupon be and become immediately due and payable by the Grantee to the Grantor, together with interest at the rate of four percent a year from the date of judgment pursuant to Haw. Rev. Stat. Ann. § 662-8.

13. No Assignment. The Grantee will not, without the written consent of the Grantor, which consent need not be given, assign this Right-Of-Entry.

14. Notices. All notices, requests, demands and other communications required or permitted hereunder shall be effective upon receipt or upon refusal to accept delivery; shall be in writing; and may be delivered by: electronic mail (email); telecopy; receipted courier service; hand delivery; or mail via United States receipted mail service with postage prepaid to the addresses shown herein.

15. Parties in Interest. All of the terms and provisions of this Right-Of-Entry

shall be binding upon and inure to the benefit of the parties hereto and their successors, successors in trust, and permitted assigns.

16. Governing Law. The validity, enforceability and interpretation of this Right-Of-Entry shall be determined in accordance with the laws of the State of Hawaii.

17. Amendment or Modification. This Right-Of-Entry may not be altered, amended or modified except by a written instrument executed by both parties hereto.

18. Survival of Representations. The representations and warranties of the parties hereto contained in this Right-Of-Entry shall survive the expiration, termination or cancellation of this Right-Of-Entry.

19. Severability. If any term or provision of this Right-Of-Entry is determined by a court of competent jurisdiction to be illegal or invalid for any reason whatsoever, such illegality or invalidity shall not affect the legality or validity of the remainder of this Right-Of-Entry.

20. Counterparts. This Right-Of-Entry may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

21. Costs. The Grantor shall have no obligation to pay or reimburse the Grantee or the Grantee's Agents for any costs or expenses incurred by the Grantee or the Grantee's Agents for the Work or any other work done pursuant to the terms of this Right-Of-Entry.

22. Trustees Not Personally Liable. This Right-Of-Entry has been executed by the Trustees of the Grantor in their fiduciary capacity as said Trustees, and not in their individual capacities. No personal liability or obligation under this Right-Of-Entry shall be imposed or assessed against said Trustees, or their successors in trust and assigns, in their individual capacities.

23. Special Conditions. The parties understand and agree that the purpose of this Right-Of-Entry is to allow the Grantee the opportunity to determine whether it wishes to locate the Well Site, Appurtenant Facilities and Easements (collectively, the "Improvements") on the Property. If so, the parties understand that they will still need to negotiate the terms, conditions, and consideration for the transfer of the necessary interests in the Property from the Grantor to the Grantee to allow such Improvements to be installed and that nothing herein shall obligate the Grantor to agree to such a transfer, other than in the Grantor's sole discretion.

24. Cancellation Of Prior Right-Of-Entry Agreement. The parties previously entered into a Right-Of-Entry Agreement dated October 23, 2002, recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 2002-220069, affecting the Property ("Prior ROE"). The parties agree that this Right-Of-Entry shall supersede the Prior ROE and that upon recordation of this Right-Of-Entry the Prior ROE shall be cancelled and extinguished.

IN WITNESS WHEREOF, the parties have executed this Right-Of-Entry as of the Effective Date written above.

GRANTOR:

WILL AND ESTATE OF MARY N. LUCAS

By _____

PAUL R. CASSIDAY, JR.
Its Co-Trustee

By _____

CARROLL S. TAYLOR
Its Co-Trustee

STATE OF HAWAII)
) SS:
COUNTY OF KAUAI)

On this _____ day of _____ 2020, before me appeared PAUL R. CASSIDAY, JR., to me personally known, who, being by me duly sworn or affirmed, did say that he executed the foregoing RIGHT-OF-ENTRY dated _____ 2020, which document consists of _____ page(s), as his free act and deed, and if applicable, in the capacities shown, having been duly authorized to execute such instrument in such capacities.

Name of Notary:
Notary Public, Fifth Judicial Circuit,
State of Hawaii.

My commission expires: _____

STATE OF HAWAII)
) SS:
CITY AND COUNTY OF HONOLULU)

On this _____ day of _____ 2020, before me appeared CARROLL S. TAYLOR, to me personally known, who, being by me duly sworn or affirmed, did say that he executed the foregoing RIGHT-OF-ENTRY dated _____ 2020, which document consists of _____ page(s), as his free act and deed, and if applicable, in the capacities shown, having been duly authorized to execute such instrument in such capacities.

Name of Notary:
Notary Public, First Judicial Circuit,
State of Hawaii.

My commission expires: _____

GRANTEE:

BOARD OF WATER SUPPLY,
COUNTY OF KAUAI

By

Its Chairperson

APPROVED:

Manager and Chief Engineer
Department of Water, County of Kauai

APPROVED AS TO FORM
AND LEGALITY:

Deputy County Attorney, County of Kauai

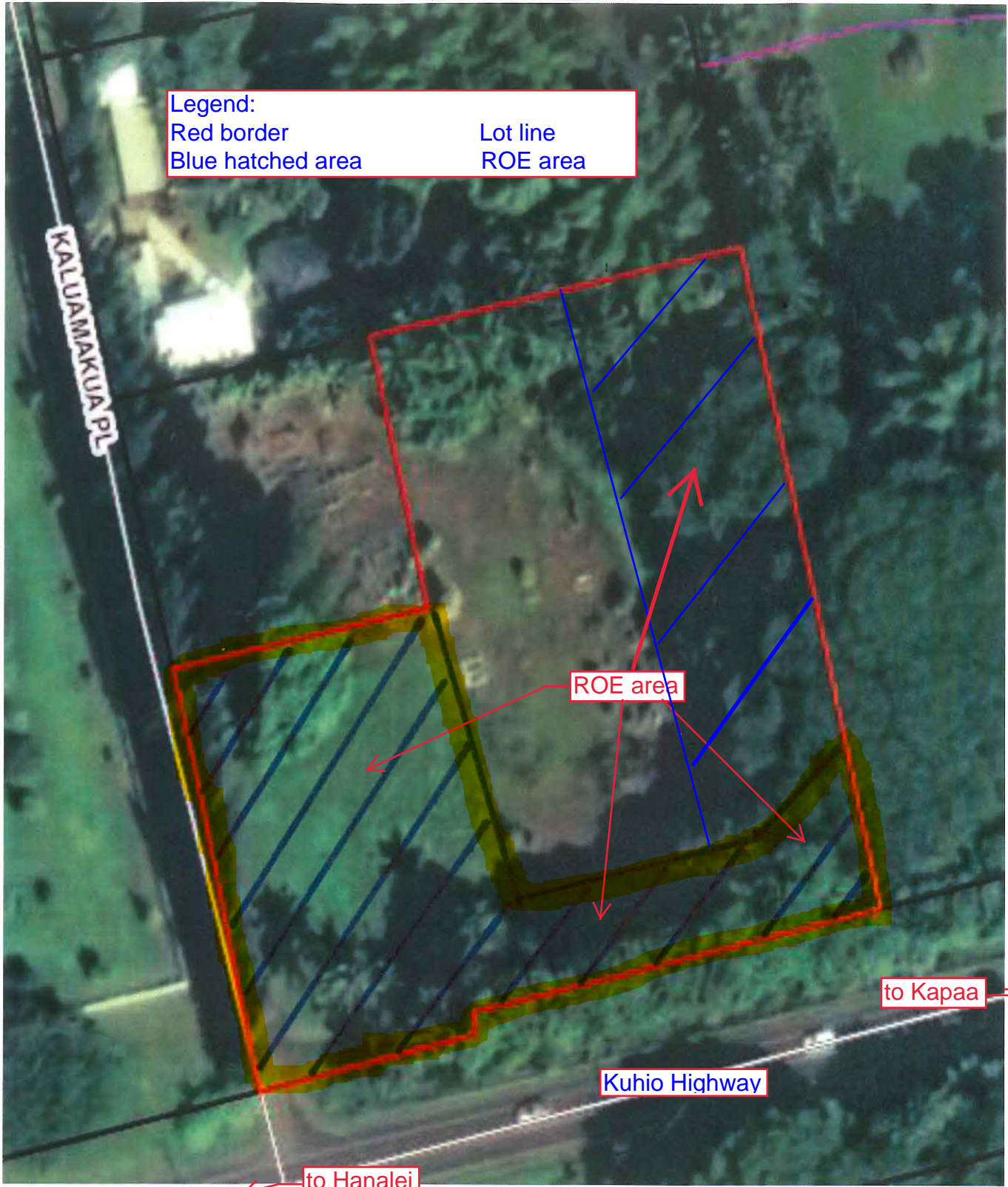
STATE OF HAWAII)
) SS:
COUNTY OF KAUAI)

On this _____ day of _____, 2020, before me appeared _____, to me personally known, who, being by me duly sworn and that said officer is the Chairperson of the BOARD OF WATER SUPPLY, COUNTY OF KAUAI, and such officer executed the foregoing RIGHT-OF-ENTRY dated _____, 2020, which document consists of _____ page(s), on behalf of said Board, by authority of said Board, and that said officer acknowledged said instrument to be the free act and deed of said Board, and that said Board has no corporate seal.

Name of Notary:
Notary Public, Fifth Judicial Circuit,
State of Hawaii.

My commission expires: _____

EXHIBIT A



Legend:
Red border Lot line
Blue hatched area ROE area

ROE area

to Kapaa

Kuhio Highway

to Hanalei

TMK: (4) 5-2-21:022

(NTS)

DEPARTMENT OF WATER

County of Kaua'i

"Water has no Substitute – Conserve It!"

MANAGER'S REPORT No. 23-07

December 15, 2022

RE: Discussion and Possible Action on a Determination pursuant to Hawaii Revised Statutes Ch. 201M; the Repeal of Part 1, Rules of Administrative Practice and Procedure, Section III Officers and Their Duties, subsection 1 Chairperson, paragraph b, subparagraph 2; the Repeal of Part 1, Rules of Administrative Practice and Procedure, Section III Officers and Their Duties, subsection 3 Secretary, paragraphs b, c. and d; and confirmation that the administrative functions covered in these Rules are delegated to and shall remain with Department personnel.

RECOMMENDATION:

It is recommended that the Board, **at the Board's December meeting**, adopt [Option 1](#) of the Manager's Report.

FUNDING: N/A

BACKGROUND:

Authority to Repeal

The authority of the Board to repeal of one or more subsections, paragraphs, subparagraphs, clauses, words, phrases, or other material within a section that does not constitute the entire section to be repealed is found in the Hawaii Revised Statutes § 91-3(g),

(g) Whenever an agency seeks only to repeal one or more sections, chapters, or subchapters of the agency's rules because the rules are either null and void or unnecessary, and not adopt, amend, or compile any other rules:

(1) The agency shall give thirty days' public notice at least once statewide of the proposed date of repeal and of:

(A) A list of the sections, chapters, or subchapters, as applicable, being repealed; and

(B) A statement of when, where, and during what times the sections, chapters, or subchapters proposed to be repealed may be reviewed in person;

(2) The agency shall post the full text of the proposed sections, chapters, or subchapters to be repealed on the Internet as provided in section 91-2.6; and

(3) Any interested person may petition the agency regarding the sections, chapters, or subchapters proposed to be repealed, pursuant to section 91-6.

This subsection does not apply to the repeal of one or more subsections, paragraphs, subparagraphs, clauses, words, phrases, or other material within a section that does not constitute the entire section to be repealed. (emphasis added).

Because the proposed action does not constitute a repeal of an entire section, the requirements for formal public notice and hearing is inapplicable. However, to ensure transparency the proposal is on the Board's November agenda with action to be taken at the Board's December meeting. This allows the public more than thirty days to provide comments on the proposal.

The proposal is posted and may be reviewed in person at the administration building of the Department of Water Supply, Monday through Friday, 8:00am to 4:30pm, except holidays. Additionally, the proposed repeals are available on the Department's website at http://www.kauaiwater.org/cp_waterboard_agendas.asp.

Repeal of Part 1, Rules of Administrative Practice and Procedure, Section III Officers and Their Duties, subsection 1 Chairperson, paragraph b, subparagraph 2.

The proposal is recommended because the subject subparagraph is unnecessary.

This subparagraph requires the presiding officer to call for the approval of the minutes of the preceding meeting. It is believed that the practice found its genesis in Robert's Rules of Order ("Robert's Rules"). The Board adopted Robert's Rules as its parliamentary authority. The Board would follow Robert's Rules in the absence of a law or Rule controlling the Board's parliamentary procedures.

Hawai'i Revised Statutes Chapter 92, Part I, commonly referred to as the "Sunshine Law" controls the creation, form, and content of the Board's minutes. The Sunshine Law requires the Board to keep minutes that "give a true reflection of the matters discussed at the meeting and the views of the participants."¹ The Sunshine Law also requires the Board make the minutes of a meeting available to the public within forty days after the meeting. However, the Sunshine Law does not require such minutes be approved. Therefore, whether the Board approves the minutes or not, the minutes must be posted within forty days to comply with the Sunshine Law and, thus, the Board's practice of approving the minutes under subparagraph 2 is unnecessary.

Under the recommendation, the only change to the Board's process will be removing the requirement to call for a motion to approve the preceding Board meeting minutes. The agenda will continue to list the preceding Board or Committee meeting minutes and the minutes will continue to be included in the Board packet.

Repeal of Part 1, Rules of Administrative Practice and Procedure, Section III Officers and Their Duties, subsection 3 Secretary, paragraphs b, c, and d.

The proposal is recommended because the subject paragraphs are unnecessary and ambiguous.

Paragraph b appears to contain typographical errors. Upon review of the legislative history of Section III, there is no record which provides insight into why this language was made a part of the subsection. The language itself supports the recommendation that the paragraph is unnecessary; the duties are delegated to Department personnel.

Paragraphs c and d require the Secretary to perform functions which are currently performed by Department personnel, namely the Commission Support Clerk. It is unnecessary to require both the Secretary and the Commission Support Clerk perform these functions.

¹ Haw. Rev. Stat. Ann. § 92-9; see also OIP Op. Ltr. No. 03-13, <https://oip.hawaii.gov/wp-content/uploads/2003/07/03-13-Ginsberg-Klemmt-re-Land-Use-Commission-Minutes.pdf> (last visited Nov. 7, 2022).

Paragraphs b, c, and d also create ambiguity. Review of the legislative history of Section III did not provide insight into the intent of the language and no discussion was found which could clarify if the Board intended to delegate the performance of these functions or require both the Department and the Board to conduct these functions. Because Department personnel are tasked with performing these functions for the Board, it is unnecessary to also require the Secretary to perform these functions. Repealing paragraphs b, c, and d would confirm that these administrative functions are delegated to and shall remain with Department personnel.

Small Business Regulatory Review Board

The requirements of Hawai'i Revised Statutes Chapter 201M only apply if the Board determines that the repeal will impact small businesses. Thus, prior to adopting the proposal the Board must determine whether the proposed actions affect small business.²

Hawai'i Revised Statutes Chapter 201M-1 provides the standard to determine whether a proposed action affects small business,

“Affected small businesses” or “affects small business” means any potential or actual requirement imposed upon a small business through an agency's proposed or adopted rule that will cause a direct and significant economic burden upon a small business, or is directly related to the formation, operation, or expansion of a small business.

“Small business” means a for-profit corporation, limited liability company, partnership, limited partnership, sole proprietorship, or other legal entity that:

- (1) Is domiciled and authorized to do business in Hawaii;
- (2) Is independently owned and operated; and
- (3) Employs fewer than one hundred full-time or part-time employees in Hawaii.

The Repeal of Part 1, Rules of Administrative Practice and Procedure, Section III Officers and Their Duties, subsection 1 Chairperson, paragraph b, subparagraph 2 relates to the Board's requirement to approve its own minutes. This subparagraph does not impose any potential or actual requirement or create a direct and significant economic burden on a small business. Further, repealing this subparagraph does not relate to the formation, operation, or expansion of a small business.

The Repeal of Part 1, Rules of Administrative Practice and Procedure, Section III Officers and Their Duties, subsection 3 Secretary, paragraphs b, c, and d relates to the internal administrative functions of the Board and the delegation of those functions to Department personnel. These paragraphs do not impose any potential or actual requirement or create a direct and significant economic burden on a small business. Further, repealing these paragraphs does not relate to the formation, operation, or expansion of a small business.

Therefore, it is recommended that the Board determine that the repeal of Part 1, Rules of Administrative Practice and Procedure, Section III Officers and Their Duties, subsection 1 Chairperson, paragraph b, subparagraph 2 and the repeal of Part 1, Rules of Administrative Practice and Procedure, Section III Officers and Their Duties, subsection 3 Secretary, paragraphs b, c, and d do not impact small business.

² Haw. Rev. Stat. Ann. § 201M-2.

OPTIONS:

Option 1: **A. Determine that the repeal of Part 1, Rules of Administrative Practice and Procedure, Section III Officers and Their Duties, subsection 1 Chairperson, paragraph b, subparagraph 2 and the repeal of Part 1, Rules of Administrative Practice and Procedure, Section III Officers and Their Duties, subsection 3 Secretary, paragraphs b, c, and d do not impact small business; and B. Repeal Part 1, Rules of Administrative Practice and Procedure, Section III Officers and Their Duties, subsection 1 Chairperson, paragraph b, subparagraph 2 and repeal Part 1, Rules of Administrative Practice and Procedure, Section III Officers and Their Duties, subsection 3 Secretary, paragraphs b, c, and d; and C. Confirm that the administrative functions covered in these Rules are delegated to and shall remain with Department personnel.**

Pro: Adopting this option will determine that the repeals will not impact small business, repeal unnecessary requirements in the Rules, and will confirm that these administrative functions are delegated to and shall remain with Department personnel.

Con: None.

Option 2: **A. Determine that the proposed repeal of Part 1, Rules of Administrative Practice and Procedure, Section III Officers and Their Duties, subsection 1 Chairperson, paragraph b, subparagraph 2 and Part 1, Rules of Administrative Practice and Procedure, Section III Officers and Their Duties, subsection 3 Secretary, paragraphs b, c, and d does impact small business and direct the Department to follow the procedures outlined in HRS 201M; and B. Repeal Part 1, Rules of Administrative Practice and Procedure, Section III Officers and Their Duties, subsection 1 Chairperson, paragraph b, subparagraph 2 and repeal Part 1, Rules of Administrative Practice and Procedure, Section III Officers and Their Duties, subsection 3 Secretary, paragraphs b, c, and d; and C. Confirm that the administrative functions covered in these Rules are delegated to and shall remain with Department personnel.**

Pro: Adopting this option will repeal the unnecessary requirements in the Rules once the procedures in HRS 201M are followed and will confirm that these administrative functions are delegated to and shall remain with Department personnel.

Con: None.

Option 3 **Reject the Manager's Report.**

Pro: Adopting this option will result in no changes to the Rules.

Con: Adopting this option will not repeal unnecessary requirements in the Rules and the Rules will continue to be ambiguous.

MK/crz

Attachment(s): Ramseyer format of proposed Repeal of Part 1, Rules of Administrative Practice and Procedure, Section III Officers and Their Duties, subsection 1 Chairperson, paragraph b, subparagraph 2 and Repeal of Part 1, Rules of Administrative Practice and Procedure, Section III Officers and Their Duties, subsection 3 Secretary, paragraphs b, c, and d.

**PROPOSED AMENDMENTS TO THE
DEPARTMENT OF WATER, COUNTY OF KAUA'I RULES AND
REGULATIONS**

BE IT RESOLVED BY THE BOARD OF WATER SUPPLY OF THE COUNTY OF KAUA'I,
STATE OF HAWAII:

SECTION 1. These Amendments are made pursuant to Sec. 17.03(D) of the Kaua'i
County Charter, and Chapter 91 of the Hawaii Revised Statutes.

SECTION 2. Material to be repealed is bracketed and stricken. In printing this rule
amendment, the brackets and bracketed material need not be included.

SECTION III – OFFICERS AND THEIR DUTIES

1. Chairperson:

- a. Ex-officio members are voting members of the Board but cannot serve as
Chairperson.
- b. The Chairperson shall be the presiding officer of the Board of Water Supply. In
the absence of the Chairperson, and so long as the Chairperson is temporarily
unable to perform his/her duties, the Vice-Chairperson will act as Chairperson
of the Board of Water Supply. In the absence of both the Chairperson and
Vice-Chairperson, the line of succession to acting Chairperson shall be the
Secretary of the Board, Chairperson of the Finance Committee, then the
Chairperson of the Rules Committee. It shall be the duty of the presiding
officer:
 - (1) To open all meetings of the Board at the appointed hour by taking the chair
and calling the meeting to order;
 - ~~[(2) To call for the approval of the minutes of the preceding meeting when a
quorum shall be present;]~~
 - ~~[(3)]~~ (2) To maintain order and proper decorum in debate;
 - ~~[(4)]~~ (3) To announce the business before the Board in the order prescribed by
those rules;
 - ~~[(5)]~~ (4) To receive and submit all matters properly brought before the Board,
call for votes upon the same and announce the results;
 - ~~[(6)]~~ (5) To receive all communications, resolutions petitions and other matters
addressed to the Board and present them to the appropriate committee;
 - ~~[(7)]~~ (6) To appoint all committees, unless otherwise ordered by the Board;
 - ~~[(8)]~~ (7) To authenticate by his/her signature all acts of the Board;
 - ~~[(9)]~~ (8) To do and perform such other duties as may be required by law, or as
may properly appertain to such office;
 - ~~[(10)]~~ (9) To make known all Rules of Order and to decide all questions of order,
subject to an appeal to the Board.
- c. It shall also be the duty of the Chairperson to take into consideration such
matters as shall not be within the scope of the duties or powers of any standing
committees of the Board, as may be referred to her/him by the Board and to
report her/his opinion thereon, together with such recommendations relative
thereto as she/he may deem advisable.

**PROPOSED AMENDMENTS TO THE
DEPARTMENT OF WATER, COUNTY OF KAUA'I RULES AND
REGULATIONS**

d. The Chairperson shall also be responsible for the preparation of the agenda of the regular and all special meetings of the Board. The agenda is subject to amendment at the meeting only by approval of the majority of the members present.

2. **Vice-Chairperson:**

- a. Ex-officio members are voting members of the Board but cannot serve as Vice Chairperson.
- b. The Vice-Chairperson shall do all of the duties of the Chairperson in the absence of the Chairperson.

3. **Secretary:** It shall be the duty of the Secretary:

- a. To read bills, resolutions and other matters to the Board, if so required.
- ~~[b. To be handled by the staff and covered by amending "Duties of the Manager".]~~
- ~~[c. To review and send copies of the minutes of the last meeting to the Chairperson and each member of the Board as part of the next Board Meeting's agenda packet.]~~
- ~~[d.] To have charge of all records of the Board and be responsible for the same.~~
- ~~[e.]~~ b. To perform all other duties required by law, or any rule or order of the Board.

SECTION 4. If any provision of this rule amendment or the application thereof to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of the rule amendment, which can be given effect without the invalid provision, or application, and to this end the provisions of this rule amendment are severable.

SECTION 5. This rule amendment shall be effective 10 days after the County Clerk signs this rule amendment.

DEPARTMENT OF WATER

County of Kaua'i

"Water has no Substitute – Conserve It!"

MANAGER'S REPORT No. 23-08

November 17, 2022

Re: Discussion and Possible Action on Manager and Chief Engineer's Proposed Goals for 2023

Manager and Chief Engineer 2023 Goals

1. Finalize Fiscal Division restructuring w/policy & procedural changes*
2. Provide Board a streamlined budget process and improved format
3. Bring to conclusion long-standing litigations & investigations*
4. Finalize IT Strategic Plan (Hardware, software integration, security)
5. Establish DOW baseline performance Benchmarks for FY23-24 Budget
6. Reduce DOW vacancies to 10%
7. Implement long-needed DOW Programs to include:
 - a. Meter Replacement Program
 - b. Fleet Management Program
 - c. Water Orientation and Educational Program
 - d. Pipeline Replacement (inc. water loss) Program
8. Replace DOW website
9. Establish DOW Staffing plan w/projections over a five-year
10. Establish Facility Improvement/Asset Management Plan
11. Establish/Update DOW Human Resources Processes and practices

* Carry-over from June 2022 short-term goals

What should DOW Objectives include?

- Provide DOW customers with the best possible service
- Provide staff a positive and healthy workplace
- Ensure 100% Water Quality Compliance
- Timely responses to public requests – activate water service, review of submitted project plans, billing inquiries, government records requests, etc.
- Provide Board with all necessary data, information, and recommendations to make best informed decisions
- Recruit staff in a timely manner, then - orient, train, and retain
- Create a culture of continuous improvement through data capture, policy assessments, and regular review of DOW practices
- Identify water system needs to support appropriate financial planning

Partner with and support County and State agencies and departments (PW/WW, Planning, Transportation, DOH) when project needs arise

DEPARTMENT OF WATER
County of Kaua'i
Board of Water Supply

Officers and Committee Members for 2023

(Effective January 1, 2023)

Current Officers – Board:

Chair: Julie Simonton
Vice Chair: Gregory Kamm
Secretary: Kurt Akamine

2023 Officers:

Chair:
Vice Chair:
Secretary:

Rules Committee:

Chair: Ka'aina Hull
Member: Troy Tanigawa
Member: Gregory Kamm

Chair:
Member:
Member:

Finance Committee:

Chair: Lawrence Dill
Member: Ka'aina Hull
Member: Kurt Akamine

Chair:
Member:
Member:

Committee of the Whole:

All Board Members

Chair:

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

STAFF

REPORTS

STAFF REPORTS

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

DEPARTMENT OF WATER

County of Kaua'i

"Water has no Substitute – Conserve it!"

INFORMATION & EDUCATION SPECIALIST REPORT

November 17, 2022

Public Notices and Announcements

All news releases are sent to statewide media partners, published online via the Department of Water's (DOW) Facebook page and on the County of Kaua'i's website at www.kauai.gov/press-releases. Notices labeled as a Public Service Announcement (PSA) are shared directly with local radio stations, newspaper and posted on the Department's Facebook page. 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>
10-27-2022	n/a	DOW wins EPA WaterSense Excellence Awards two years in a row	n/a	Garden Island Newspaper (<i>Attached</i>)
10-28-2022	n/a	DOW office to close on Nov. 7 from 1:30 p.m. to 4:30 p.m.	Nov. 7 from 1:30 p.m. to 4:30 p.m.	Website

Public Relations Program

Community Outreach & Education

- The Department's "Wise Water Wednesday" campaign for the month of October includes an automatic bill pay services, information on how to locate your meter and how to report a leak, and conservation reminder to check and fix household leaks. This weekly media campaign utilizes the Department's Facebook page, radio advertisements and is published as a banner ad in the Garden Island Newspaper's local section.
- The Department of Water donated one hundred pencils and 100 five-minute shower timers towards the Kekaha trunk or treat community event held at Kekaha Elementary School on Oct. 28, 2022.
- The Department participated in the Hawaii Construction Career Day Fair held at the Kauai Community College on November 3, 2022. DOW personnel hosted an exhibit for an audience of more than 400 students and teachers. The exhibit discussed the department's construction-related positions and the wide range of career opportunities at water. The slogan, "no water, no rice" was shared to highlight the importance of safe, reliable water services to our communities and more than 300 custom rice paddles and pencils were distributed at the event. Special thanks to Dustin Moises and Jonell Kaohelauli'i for participating in the exhibit and to Dan Kittredge and Ryan Smith for assisting with transportation of the display to/from the event.

Upcoming Community Outreach & Educational Events

- Science, Technology, Engineering, Math (STEM) Night at Ele'ele Elementary – Nov. 16

Project WET (Water Education Today) Hawaii

- The Department of Water partnered with Hawaii Rural Water Association to provide a gift bag of conservation tools and water related logo items to participating fifth grade teachers who

submitted post-event make a splash festival surveys, as a thank you for their feedback on this year's event.

- Jonell drafted and submitted Project WET Hawaii updates on the Make a Splash festival and other related activities for the Region 1 update to Project WET USA.

Attachments: *GardenIsland* (DOW wins national water award)

tgi local

DOW wins national water award

SPECIAL TO THE GARDEN ISLAND

LIHUE — The U.S. Environmental Protection Agency recognized the county Department of Water with a 2022 WaterSense Excellence Award for their dedication to helping consumers and businesses save water through conservation awareness and educational outreach.

The department received the award during a ceremony at the WaterSmart Innovations Conference and Exposition in Las Vegas earlier this month.

“What an honor to receive the EPA Excellence Award two years in a row,” said Joe Tait, department manager and chief engineer.

“The success of our educational programs begins with the long-standing support of our board of directors and is driven by our team of dedicated Department of Water employees who continue to increase our outreach efforts each year. We are humbled and grateful to again bring this national award back to the County of Kaua’i and for all of Hawai’i,” said Tait.

WaterSense, a voluntary partnership program sponsored by EPA, is both a label for water-efficient products, programs and homes and a resource for helping consumers learn ways to save water.

Since 2006, more than 2,100 WaterSense partners and over 40,000 models of certified water-efficient plumbing and irrigation products have helped consumers and businesses save 6.4 trillion gallons of



CONTRIBUTED BY THE COUNTY DEPARTMENT OF WATER

Celebrating the awarding to the county Department of Water of a 2022 U.S. Environmental Protection Agency WaterSense Partner of the Year award on Oct. 6, 2022, in Las Vegas are, from left, the department Manager and Chief Engineer Joe Tait, Public Information Officer Jonell Kaohelauli’i and Information Technology Specialist Wayne Takabayashi.

water —enough water to supply all households in the United States with water for eight months.

In addition to water savings, WaterSense has helped reduce the amount of energy needed to pump, treat and heat water by 754 billion kilowatt hours and helped consumers save \$135 billion in water and energy bills.

“Throughout 2021, our award-winning partners helped people protect this precious resource by promoting WaterSense-labeled

products and water-efficient behaviors,” said Veronica Blette, chief of the WaterSense Branch.

“Saving water is particularly critical in areas impacted by drought, but is also a path to helping consumers stretch dollars by reducing their water and energy bills.”

The EPA program highlighted the county department’s community outreach and educational efforts that included the department’s water education activities and “Wise Water

Wednesday” media campaign.

In lieu of the in-person interactive water festival. “Make A Splash”, the department brought the festival to Kaua’i fifth-grade students by distributing more than 550 water-education kits and conservation tools that students could do in class or at home.

The department staff coordinated Project WET (Water Education Today) workshops, certifying eight new facilitators to lead water-education workshops across the state.

As part of its conservation program, the department also produced a “Wise Water Wednesday” media campaign, providing weekly water-saving tips and water-service updates via Facebook, newspaper advertisements and radio announcements.

The advertisements also included the promotion of EPA’s WaterSense-labeled fixtures and appliances. The department hosted EPA’s annual “Fix a Leak Week” campaign, and in 2021 added a “Your Better Bathroom” campaign to encourage consumers to replace old fixtures with WaterSense-labeled models to save water at the tap.

For more information about EPA’s WaterSense program, visit epa.gov/watersense.

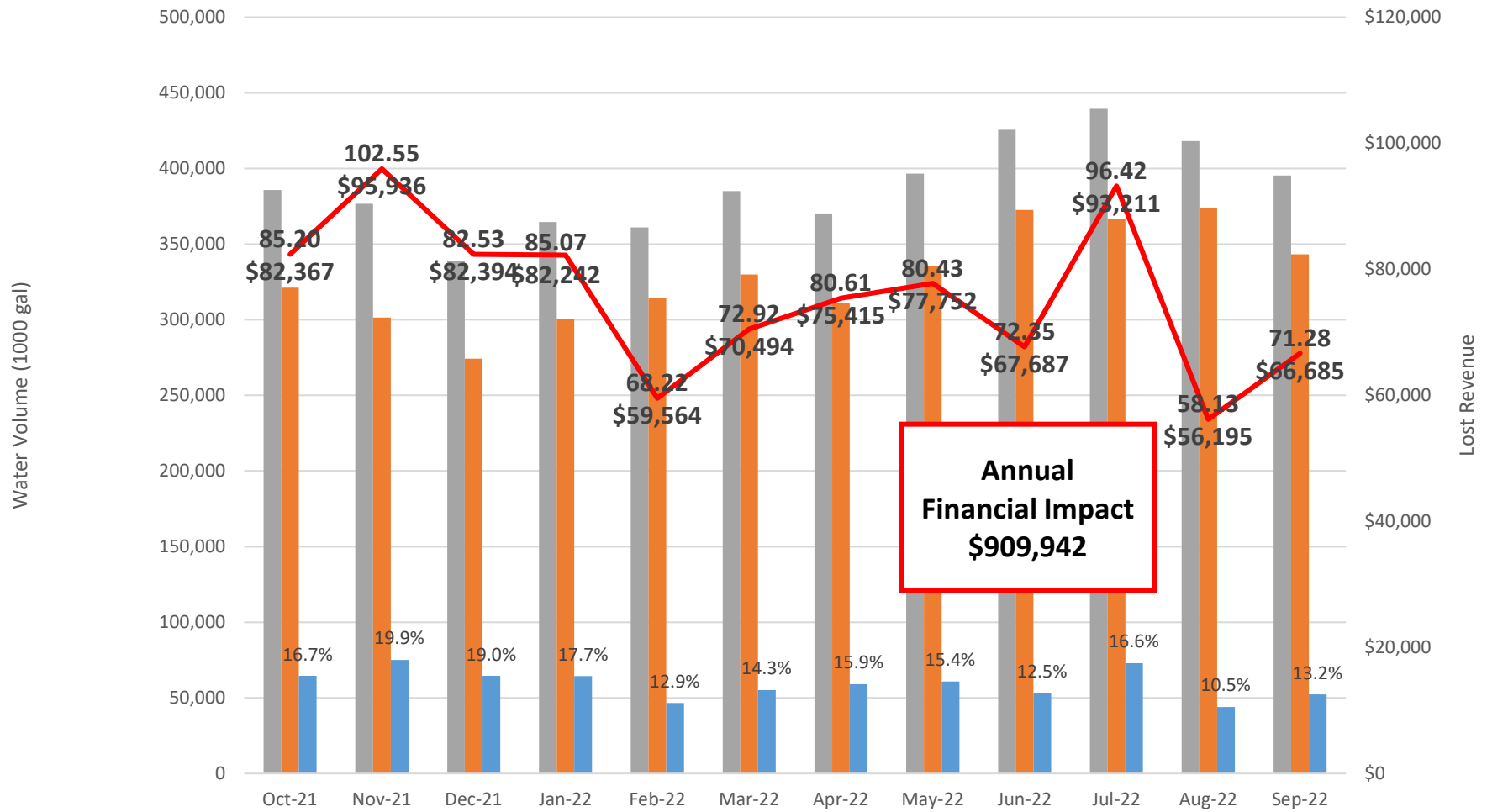
For more information about the department’s education and conservation programs, call the Department of Water at 808-245-5461 or email publicrelations@kauaiwater.org.

Operations Services Dashboard									
Month	Leak Repairs	Calls for Service	Meters Installed and Replaced	Temporary Hydrant Meters	Work Orders Issued	Work Orders Closed	One Call Requests	Auto Repair Shop	Hydrants Hit
Jan-22	36	207	171	1	293	265	29	22	2
Feb-22	35	184	45	2	361	175	43	14	1
Mar-22	30	225	24	2	182	180	35	19	1
Apr-22	28	196	42	3	191	180	29	58	3
May-22	39	169	26	0	172	165	28	31	2
Jun-22	35	231	21	1	196	186	30	42	*0
Jul-22	27	230	18	1	176	168	34	31	5
Aug-22	58	156	78	3	220	215	18	28	1
Sep-22	38	183	68	2	178	176	6	34	0
Oct-22	30	210	25	2	138	124	60	24	1
Nov-21	28	189	13	0	126	125	47	12	4
Dec-21	27	193	15	1	131	120	24	18	0

Operations Contract Dashboard				
Open for Bid				
Type	Contract Number	Job Number	Title	Contractor/Vendor
Goods and Services		2023-01	Koloa Well A Replacement (resolicit no bid received)	Bid Opening 11/07/2022
Awaiting Board Approval				
Type	Contract Number	Job Number	Title	Contractor
Processing/Notice to Proceed				
Type	Contract Number	Job Number	Title	Contractor

Highlights
1. Estimated non-revenue water due to flushing and reported leaks for the month of October are 408,789 gallons.

Monthly Water Audit October 2021 - September 2022



	Oct-21	Nov-21	Dec-21	Jan-22	Feb-22	Mar-22	Apr-22	May-22	Jun-22	Jul-22	Aug-22	Sep-22
Produced	385,707	376,586	338,739	364,525	361,076	385,067	370,322	396,641	425,598	439,498	418,076	395,404
Customer Meter Read	321,207	301,460	274,217	300,122	314,433	329,864	311,266	335,754	372,593	366,506	374,070	343,184
Waterloss	64,500	75,126	64,522	64,403	46,643	55,203	59,056	60,887	53,005	72,992	44,006	52,220
Waterloss	\$82,367	\$95,936	\$82,394	\$82,242	\$59,564	\$70,494	\$75,415	\$77,752	\$67,687	\$93,211	\$56,195	\$66,685

DEPARTMENT OF WATER

County of Kaua'i

“Water has no Substitute – Conserve It!”

MANAGER’S UPDATE

November 17, 2022

Pursuant to Board Policy No. 3

CONTRACTS AWARDED/EXTENSION/AMENDMENTS:

1 1ST AMENDMENT TO CONTRACT NO. 710, JOB NO. SS-2022-01, WATER QUALITY LABORATORY TESTING SERVICES WITH EUROFINS EATON ANALYTICAL, LLC IN THE AMOUNT OF \$45,250.00

FUNDING:

Account No.	10-20-10-540-010			
Acct Description	WU/Eng/Admin/Professional Services (SDWA Testing)			
Funds Available	Verified by WWC		\$	45,250.00
Contract No.	710			
Vendor	Eurofins Eaton Analytical, LLC			
	Contract Amount	\$	45,250.00	
	5% Contingency	\$	N/A	
	Total Funds Certified to Date	\$	45,250.00	
First Amendment:				
	2 nd of 3-year services	\$	45,250.00	
	Total Amendment	\$	45,250.00	\$ <45,250.00>
	Contract Amount to Date	\$	90,500.00	

BACKGROUND:

Contract NTP Date: August 16, 2021

Original Contract End Date: August 14, 2024

New Contract End Date:

Eurofins Eaton Analytical, LLC is the only provider that complies with the State of Hawaii, Department of Health, Safe Drinking Water Branch, Electronic Data Delivery data management system Safe Drinking Water Information System. Vendor provides laboratory testing services required by the U.S. Safe Drinking Water Act.

The First Amendment to Contract No. 710 is to continue laboratory testing services for the Department of Water, as required by the U.S. Safe Drinking Water Act.

2 CONTRACT NO. 734, GS-2023-01 FOR THE FURNISHING AND DELIVERY OF ONE (1) METAL TRACKS CLOSED CAB EXCAVATOR WITH ATTACHMENTS AWARDED TO ALLIED MACHINERY CORPORATION IN THE AMOUNT OF \$239,476.34

FUNDING:

Account No.	10-40-00-604-999			
Acct Description	WU/Ops/Capital Outlay-R&R/Misc. Capital Purchases			
Funds Available	Verified by WWC		\$	239,476.34
Contract No.	734			
Vendor	Allied Machinery Corporation			
	Contract Amount	\$	239,476.34	
	5% Contingency	\$	N/A	
	Total Funds Certified	\$	239,476.34	\$ <239,476.34>

BACKGROUND:

The Department solicited for bids to replace the existing 2008 Takeuchi TB175CS Excavator. Bids were received and opened on September 27, 2022. Vendors were given ample time to submit offers. Allied Machinery Corporation submitted the responsive bid, and the price is fair and reasonable.

3 5TH AMENDMENT TO CONTRACT NO. 651, JOB NO. 2018-PROF-1, A.1, SPECIAL COUNSEL TO PROVIDE ENVIRONMENTAL, LAND USE, AND REGULATORY COMPLIANCE LITIGATION WITH ASHFORD & WRISTON, LLP IN THE AMOUNT OF 25,000.00

FUNDING:

Account No.	10-01-10-540-010			
Acct Description	WU/Admin/Admin/Professional Services – General (Special Counsel)			
Funds Available	Verified by WWC		\$	25,000.00
Contract No.	651			
Vendor	Ashford & Wriston, LLP			
	Contract Amount	\$	25,000.00	
	First Amendment	\$	50,000.00	
	Second Amendment	\$	30,000.00	
	Third Amendment	\$	25,000.00	
	Fourth Amendment	\$	40,000.00	
	Total Funds Certified to Date	\$	170,000.00	

MANAGER'S UPDATE

Re: Manager's Update for October 2022 to November 2022

November 17, 2022

Page 3 of 4

Fifth Amendment:			
Continued Special Counsel Services	\$	25,000.00	
Total Amendment	\$	25,000.00	\$ <25,000.00>
Contract Amount to Date	\$	195,000.00	

BACKGROUND:

Contract NTP Date: March 23, 2018

Original Contract End Date: N/A

New Contract End Date: N/A

At the November 22, 2017, Board meeting, the Board approved the procurement of Special Counsel and the expenditure of funds for environmental, land use, and regulatory compliance litigation and related legal services. The environmental court entered final judgment in favor of KDOW on June 30, 2020. Plaintiff appealed to the Intermediate Court of Appeals and subsequently requested a transfer to the Hawaii Supreme Court. The Hawaii Supreme Court granted the request and oral arguments were held on April 5, 2022. On September 23, 2022, the Hawaii Supreme Court issued its ruling remanding the case to the environmental court and ordering the Department to conduct a new environmental assessment. Additional funds are necessary to ensure continued legal representation and support related to SCAP-20-0000487.

4 CONTRACT NO. 733, JOB NO. SS-2023-02 CUSTOMER CARE AND BILLING AWARDED TO UTILITEC, INC. CONSULTANT/CONTRACTOR IN THE AMOUNT OF \$47,000.00

FUNDING:

Account No.	10-30-20-541-020		
Acct Description	WU/Bill/Collection/Billing Costs (Bill Processing Fees)		
Funds Available	Verified by WWC		\$ 47,000.00
Contract No.	733		
Vendor	Utilitec, Inc.		
	Contract Amount	\$	47,000.00
	5% Contingency	\$	N/A
	Total Funds Certified	\$	47,000.00 \$ <47,000.00>

BACKGROUND:

The DOW solicited services for processing and mailing of customer water bills, including other customer notifications through Sole Source procurement and awarded the contract to Utilitec, Inc. This vendor provided excellent service all throughout the term of their previous contract engagement with the DOW. Continuation of their services will provide significant stability to ensure that the bill processing services will not be disrupted.

MANAGER'S UPDATE

Re: Manager's Update for October 2022 to November 2022

November 17, 2022

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The engagement will be a multi-term contract to be renewed annually and renewal will still be subject to the availability of funds as approved in the DOW's annual budget.

The DOW Operating & Capital budgets for FY 2022 – 2023 has been submitted and approved by the Board. Funding for the 1st year term of this contract is fully budgeted for FY 2022 - 2023.

CONVEYANCE OF WATER FACILITIES \$58,110.00

KJ Group LLC	3-6-007:042	Lihue
Scott H. Morison	5-5-005:003	Hanalei
SMK, Inc.	4-3-002:018	Kapaa

PERSONNEL MATTERS

Please see attached.

Attachment: Personnel Matters Chart

Mgrrp/Manager's Update (November 17, 2022):mja

% Vacancy Within Each Division Level

