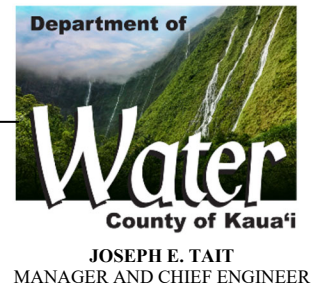


## **BOARD OF WATER SUPPLY**

**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, December 15, 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, 2<sup>nd</sup> 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/86981669001>

**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: 869 8166 9001**

**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, January 26, 2022 – 9:30 a.m. (tentative)

### APPROVAL OF AGENDA

### APPROVAL OF MEETING MINUTES

1. Regular Board Meeting – November 17, 2022
2. Executive Session – November 17, 2022

## **PUBLIC TESTIMONY**

### **OLD BUSINESS**

1. 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. **(deferred from November 17, 2022 meeting)**
2. Manager's Report No. 23-08 Discussion and Possible Action on Manager and Chief Engineer's Proposed Goals for 2023 **(deferred from November 17, 2022 meeting)**

### **NEW BUSINESS**

1. Manager's Report No. 23-09 Discussion and Adoption of Resolution No. 23-04, Farewell to Brian M. Fujii (Retiree), Water Service Investigator II, Operations Division
2. Manager's Report No. 23-10 Discussion and Adoption of Resolution No. 23-05, Farewell to Amy S.K. Kiyotsuka (Retiree), Clerk Dispatcher II, Operations Division
3. Manager's Report No. 23-11 Resolution No. 23-06 Discussion and Adoption of Resolution No. 23-06, Mahalo and Aloha to Board Member Gregory Kamm
4. Manager's Report No. 23-12 Discussion and Possible Action to approve the License Easement No. 853 Agreement from the State of Hawaii, Department of Hawaiian Home Lands (DHHL) for access and water utility purposes for the Kauai Island Utility Cooperative (KIUC), Anahola Solar Project Service Center TMK: (4) 4-7-004:002
5. Manager's Report No. 23-13 Discussion and Possible Action to approve additional funding for Job No. 23-01, Koloa Well "A" Pump Replacement
6. Manager's Report No. 23-14 Discussion and Possible Action on Joint Funding Agreement with U.S. Geological (USGS) for the period of October 1, 2022 to September 30, 2023
7. Board meeting dates for 2023

### **STAFF REPORTS**

1. Fiscal - Statement of Revenues and Expenditures
  - a. November 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: (January)**

1. DOW Draft Audit Financial Statements and Independent Auditor's Report for Fiscal Year Ending 2022

### **TOPICS FOR FUTURE BOARD OF WATER SUPPLY MEETING**

2. Update regarding DOW's Water System Investment Plan
3. Report from Manager and Chief Engineer – Manager's DOW Performance Audit
4. 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)(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 Kauaʻi  
C/O Administration  
4398 Pua Loke Street  
Līhuʻe, Hawaiʻi 96766

E-Mail: [board@kauaiwater.org](mailto: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](mailto: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, November 17, 2022**

The Board of Water Supply, County of Kaua'i, met in a regular meeting in Līhu'e on Thursday, November 17, 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*  
Mr. Gregory Kamm, *Vice Chair*  
Mr. Tom Shigemoto  
Mr. Ka'aina Hull

**EXCUSED:**

Mr. Kurt Akamine  
Mr. Larry Dill

Quorum was achieved with 4 members present at Roll Call.

**ANNOUNCEMENTS**

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

**APPROVAL OF AGENDA**

**The agenda was approved with no objections.**

**APPROVAL OF MEETING MINUTES**

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

**The meeting minutes were approved with no objections.**

**PUBLIC TESTIMONY**

No public testimony was received.

**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

Program Management Officer Scott Suga provided an overview of Manager's Report No. 23-06 that was submitted.

**Board member Shigemoto moved to approve Manager's Report No. 23-06, seconded by Mr. Kamm; with no objections, motion carried with 4 Ayes.**

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.

Deputy County Attorney Mahealani Krafft stated that this is proposed for action in December noting that though a public hearing notice is not required under HRS §91-3, this will allow the public a month's time to review and provided testimony. She provided an overview of the proposed rule repeals listed in Manager's Report No. 23-06, which she noted are to remove unnecessary actions not required by Sunshine Law, and to remove some of the duties listed under Board Secretary which are currently being done by the Department's Commission Support Clerk.

**Board member Shigemoto moved to defer Manager's report No. 23-06 to the December 15, 2022 meeting, seconded by Mr. Kamm; with no objections, motion carried with 4 Ayes.**

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

Manager Joe Tait stated that these are for the board's review and consideration between now and the next meeting to provide opinions and suggestions, similar to what was done last year. Based upon the Board's feedback, he will adjust and finalize these goals for review and possible approval at the next meeting.

Board member Hull stated that over the next few years he wants to see the Manager take steps to address the island's infrastructure crisis especially in the Lihue area through facility improvements and policy changes.

In response to Manager's Tait's mention of the Department's Water System Investment Plan that has been recently implemented, Ms. Simonton expressed the importance of ensuring our data is accurate and comprehensive. She commented that she has experience with hydraulic water modeling and is excited that the Department is moving in that direction as it will tell them a lot about their system.

**Board member Hull moved to defer Manager's Report No. 23-09 to the December 15, 2022 meeting, seconded by Mr. Shigemoto; with no objections, motion carried with 4 Ayes.**

4. *Election of Board Officers for 2023:*
  - b. Chair, Vice Chair and Secretary
  - c. Rules Committee Chair and members
  - d. Finance Committee Chair and members

**Board member Hull moved to elect Kurt Akamine as Chair, Julie Simonton as Vice Chair, and Tom Shigemoto as Secretary of the Board for 2023; and to elect Ka'aina Hull as Chair of the Rules Committee with Mr. Tanigawa and Ms. Simonton as members; and to elect Larry Dill as Chair of the Finance Committee with Ka'aina Hull and Tom Shigemoto as members, seconded by Mr. Shigemoto; with no objections, motion carried with 4 Ayes.**

## **STAFF REPORTS**

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

Assistant Waterworks Controller Marcelino Soliz provided an overview of the October Fiscal Report submitted. Manager Tait asked that future reports include comparisons for pre-Covid meter consumption

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

Information Specialist Terrilyn Amorin provided an overview of the Public Relations report submitted. Board member Shigemoto praised the Department for receiving the EPA WaterSense Excellence Award for two consecutive years. Manager Tait added that very few utilities in the country receive multiple awards in the same category, explaining that it's nationally recognized by the government.

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 highlighting October's non-revenue water was lower than the previous month. He also noted that the Koloa Well A Replacement has received 3 bids and they will be requesting additional funds for this well at a future board meeting. Board member Shigemoto asked approximately how much more funds with they be requesting to which Mr. Reyna replied about \$170,000.

Vice Chair Kamm if it would make sense to purchase and store replacement pumps or motors. Mr. Reyna explained that if they store them long-term, by the time they need them they could be obsolete. Also, there is a lack of warehouse space in which to store these large parts. Mr. Shigemoto asked if the Department has emergency generators in the event a pump goes down to which Mr. Reyna replied yes. He added that they have been replacing the emergency generators regularly which are trailer-mounted and can be transported where-needed, as-needed. Manager Tait noted that DOW has assisted with loaning emergency generators to the Department of Public Works.

In response to Chair Simonton, Mr. Reyna stated that the Fuel Master system that is replacing the GasBoy is moving forward and its set to be installed sometime in December or January.

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

Manager Joe Tait thanked Terrilyn and Jonell for handling the details of the memorial service luncheon held on November 7 for several members of our DOW 'ohana that recently passed away. Planning Department and Mayor's office staff attended as many of them worked with DOW family member, Ferdinand Mariano.

Marcelino Soliz has accepted the position of Program Manager for the meter replacement program as he is familiar with the billing issues as a result of the meter failures as well as his familiarity with the inventory and recurring shipping issues along with processing the payments for the purchasing of the meters.

Manager Tait noted that of great concern is the shortage of staff in engineering and fiscal though they have recently made some hires in Operations.

**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

The Board invited Manager Tait into Executive Session as a resource for Item 1., and to be called back in for Item 2 following Board discussion.

The Board entered into Executive Session at 10:34 a.m.

The Board resumed in open session at 11:38 a.m.

**ADJOURNMENT**

The meeting was adjourned at 11:38 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, centered on the page. The text 'OLD BUSINESS' is overlaid on the splash, with 'OLD' positioned above the water and 'BUSINESS' below it. Both words have a slight 3D effect and are reflected in the water below.

# OLD BUSINESS

# 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](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."<sup>1</sup> 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.

---

<sup>1</sup> 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.<sup>2</sup>

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.

---

<sup>2</sup> 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.

**AMENDMENTS TO THE  
DEPARTMENT OF WATER, COUNTY OF KAUA‘I RULES AND REGULATIONS  
ADOPTED ON DECEMBER 15, 2022**

RECOMMEND APPROVAL  
DEPARTMENT OF WATER

APPROVED  
BOARD OF WATER SUPPLY  
COUNTY OF KAUA‘I

---

Joseph E. Tait  
Manager & Chief Engineer

---

Julie Simonton  
Chairperson

APPROVED AS TO FORM AND  
LEGALITY

APPROVED  
COUNTY OF KAUA‘I

---

Mahealani M. Krafft  
Deputy County Attorney

---

Mayor Derek S.K. Kawakami

**AMENDMENTS TO THE  
DEPARTMENT OF WATER, COUNTY OF KAUA‘I RULES AND REGULATIONS  
ADOPTED ON DECEMBER 15, 2022**

**CERTIFICATION**

I hereby certify that the Board of Water Supply, County of Kaua‘i, adopted the foregoing amendments to the Rules and Regulations of the Department of Water, County of Kaua‘i on **December 15, 2022** under authority of Sec. 17.03(D) of the Kaua‘i County Charter, and Chapter 91 of the Hawaii Revised Statutes, and that the provisions of Sec. 91-3 of the Hawaii Revised Statutes have been satisfied.

Dated at Lihue, Kauai this **15<sup>th</sup>** day of **December, 2022**

\_\_\_\_\_  
Kurt Akamine, Secretary  
BOARD OF WATER SUPPLY

-----  
**CERTIFICATION OF COUNTY CLERK**

I hereby certify on \_\_\_\_\_, 2022, I accepted for filing the foregoing amendments to the Rules and Regulations of the Department of Water, County of Kaua‘i from the County of Kauai Board of Water Supply .

\_\_\_\_\_  
Jade K. Fountain-Tanigawa  
County Clerk, County of Kaua‘i

# 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

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

NEW

BUSINESS

# DEPARTMENT OF WATER

County of Kauaʻi

*“Water has no Substitute – Conserve It!”*

## MANAGER’S REPORT No. 23-09

December 15, 2022

Re: Discussion and Adoption of Resolution No. 23-04, Farewell to Brian M. Fujii (Retiree),  
Water Service Investigator II, Operations Division

It is requested that the Board approve Resolution 23-04, and wish Brian M. Fujii, Water Service Investigator II, a happy retirement.

VR

Attachment: Resolution No. 23-04 Mahalo and Aloha Brian M. Fujii

**MAHALO AND ALOHA**

**Brian M. Fujii**

*Water Service Investigator II  
October 1994 – December 2022*

WHEREAS, Brian M. Fujii joined the Department of Water (DOW) on October 17, 1994 as a Janitor II on a probationary appointment and became a permanent employee on April 17, 1995, transferred to Laborer I on April 1, 1999, promoted to Pipefitter Helper on July 1, 2001, promoted to Pipefitter on March 16, 2006, promoted to Lead Pipefitter on April 18, 2011 and transferred to his current position as Water Service Investigator II on January 16, 2019; and

WHEREAS, after more than twenty-eight (28) years of service to the County of Kaua'i and DOW customers, Brian decided it is time to pursue other interests; and

WHEREAS, now Brian can dedicate more time to traveling and taking care of his family; and

WHEREAS, in 2022, the Department has grown to more than 100 employees (plus vacancies), over 80 vehicles and equipment, some of which are now retired too and will be hitting the auction block, 52 deep well sources, 19 booster pumping stations, 60 storage tanks, 75 control valve stations, the equivalent of more than 22,400 service connections, and more importantly more than 400 miles of mainlines, 4,000 valves, and 2,600 hydrant and standpipes that Brian will not have to worry about marking and locating anymore; and

WHEREAS, Brian has tremendously benefitted our community and has played an important role in repairing, maintaining and replacing the growing and aging DOW water distribution, source and storage infrastructure and facilities as well as ensuring that the DOW delivers safe and potable drinking water; and

WHEREAS, WHEREAS, Brian demonstrated his dedication and loyalty to the Department by working independently and fulfilling his assignments, and getting along with all of his co-workers, and making himself available to help during water related emergencies anytime of the day or night; and

WHEREAS, in addition to his many years of dedicated, loyal and devoted service with the Department of Water of the County of Kaua'i, we will miss the "can do" attitude by which Brian performs his work duties and work assignments; and

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF WATER SUPPLY, COUNTY OF KAUAI, STATE OF HAWAII, that on behalf of the water-consuming customers of Kaua'i, the Board expresses its gratitude and appreciation for the many years of dedicated service rendered by Brian M. Fujii. We extend to Brian our best wishes for much happiness and success in retirement.

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to Brian M. Fujii with our warmest Aloha and best wishes for success in all future endeavors.

*Mahalo!*



*Aloha*

We do certify that the foregoing was duly adopted by the Board of Water Supply during its meeting on December 15, 2022

\_\_\_\_\_  
Julie Simonton, Chairperson

\_\_\_\_\_  
Kurt Akamine, Secretary



# DEPARTMENT OF WATER

County of Kaua‘i

*“Water has no Substitute – Conserve It!”*

## MANAGER’S REPORT No. 22-10

December 15, 2022

Re: Discussion and Adoption of Resolution No. 23-05, Farewell to Amy S.K. Kiyotsuka (Retiree), Clerk Dispatcher II, Operations Division

It is requested that the Board approve Resolution 23-05, and wish Amy S.K. Kiyotsuka, Clerk Dispatcher II, a happy retirement.

VR

Attachment: Resolution No. 23-05 Mahalo and Aloha Amy S.K. Kiyotsuka

**MAHALO AND ALOHA**

**Amy S.K. Kiyotsuka**

*Clerk Dispatcher II  
December 2010 – December 2022*

WHEREAS, Amy S.K. Kiyotsuka joined the Department of Water (DOW) on December 20, 2010 as an Account Clerk, promoted to Senior Account Clerk on June 1, 2015, and promoted to her current position as Clerk Dispatcher II on April 1, 2016; and

WHEREAS, after twelve (12) years of service to the County of Kaua`i and DOW customers, Amy decided it is time to pursue other interests; and

WHEREAS, now Amy can dedicate more time to taking care of her family; and

WHEREAS, in 2022, the Department has grown to more than 100 employees (plus vacancies), over 80 vehicles and equipment, some of which are now retired too and will be hitting the auction block, 52 deep well sources, 19 booster pumping stations, 60 storage tanks, 75 control valve stations, the equivalent of more than 22,400 service connections, and more importantly more than 400 miles of mainlines, 4,000 valves, and 2,600 hydrant and standpipes that Amy will not have to worry about promptly and courteously answering complaints and phone calls regarding water related emergencies and issues from both internal and external customers; and

WHEREAS, Amy has tremendously benefitted our community and has played an important role in repairing, maintaining and replacing the growing and aging DOW water distribution, source and storage infrastructure and facilities as well as ensuring that the DOW delivers safe and potable drinking water; and

WHEREAS, for demonstrating her dedication and loyalty to the Department by reporting to work without tardiness, independently and efficiently fulfilling her assignments with no complaints and minimal supervision, and getting along with all of her co-workers, Amy was selected as the Department's 2020 Employee of the Year; and

WHEREAS, in addition to her many years of dedicated, loyal and devoted service with a "can do" attitude with the Department of Water of the County of Kaua`i, we will sorely miss the soft and calm voice by which Amy answers the phone and orders the field supervisors and crews to their next challenge and work assignment; and

WHEREAS, Amy demonstrated her reliability to the Department by performing higher position role as well as subordinate role when needed to ensure that administrative support run smoothly at the same time maintaining inventory and supplies for Operations Division, and making herself available to help during water related emergencies anytime of the day or night; and

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF WATER SUPPLY, COUNTY OF KAUAI, STATE OF HAWAII, that on behalf of the water-consuming customers of Kaua`i, the Board expresses its gratitude and appreciation for the many years of dedicated service rendered by Amy S.K. Kiyotsuka. We extend to Amy our best wishes for much happiness and success in retirement.

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to Amy S.K. Kiyotsuka with our warmest Aloha and best wishes for success in all future endeavors.



We do certify that the foregoing was duly adopted by the Board of Water Supply during its meeting on December 15, 2022

\_\_\_\_\_  
Julie Simonton, Chairperson

\_\_\_\_\_  
Kurt Akamine, Secretary

# DEPARTMENT OF WATER

County of Kaua'i

*"Water has no Substitute – Conserve It!"*

## MANAGER'S REPORT No. 23-11

December 15, 2022

Re: Discussion and Adoption of Resolution No. 23-06, Mahalo and Aloha to Board Member Gregory Kamm

It is requested that the Board approve Resolution 23-06, Mahalo and Aloha Board Member Gregory Kamm

Attachment: Resolution No. 23-06 Mahalo and Aloha Gregory Kamm

# RESOLUTION NO. 23-06

COUNTY OF KAUAI  
DEPARTMENT OF WATER  
Board of Water Supply, Board Member

GREGORY KAMM  
MAHALO & ALOHA  
January 2020 – December 2022

WHEREAS, Mahalo and Aloha are in order for Board Member Gregory Kamm, who served on the Board of Water from January 2020 to December 2022; and

WHEREAS, gratitude is in order as Board Member Kamm voluntarily dedicated two (2) years of his life in guiding the Department of Water as both Chair and Vice Chair; and

WHEREAS, Board Member Kamm provided guidance, input and insight to help steward Kauai's most important resource; and

WHEREAS, Board Member Kamm's experience with County processes and his professional experience resulted in thoughtful yet tough questions; and

WHEREAS, Board Member Kamm's experience also resulted in him pushing, AHEM, gently nudging the Department to find ways to streamline its processes to better serve the public; and

WHEREAS, Board Member Kamm showed a genuine interest in ensuring the Department is a place we can all be proud to serve; and

WHEREAS, Board Member Kamm exhibited patience and flexibility with various technologies as the Board transitioned to hybrid remote-in-person meetings; and

WHEREAS, Board Member Kamm will no longer have to worry about finding a wi-fi hotspot to remotely attend Board meetings while on vacation; and

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF WATER SUPPLY, COUNTY OF KAUAI, STATE OF HAWAII, in recognition of the outstanding service and commitment of BOARD MEMBER GREGORY KAMM to our Garden Island Community, does hereby extend to Board Member Gregory Kamm, a fond Mahalo and heartfelt Aloha for the contributions made as a member of the Board of Water Supply. We extend our best wishes for happiness, prosperity, and success in future endeavors.

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to Gregory Kamm.



We do certify that the foregoing was duly adopted by the Board of Water Supply during its meeting on December 15, 2022

\_\_\_\_\_  
Julie Simonton, Chairperson

\_\_\_\_\_  
Kurt Akamine, Secretary

# DEPARTMENT OF WATER

County of Kaua'i

*"Water has no Substitute – Conserve It!"*

## MANAGER'S REPORT No. 20-12

December 15, 2022

Re: Discussion and Possible Action to approve the License Easement No. 853 Agreement from the State of Hawaii, Department of Hawaiian Home Lands (DHHL) for access and water utility purposes for the Kauai Island Utility Cooperative (KIUC), Anahola Solar Project Service Center TMK: (4) 4-7-004:002(por.)

### **RECOMMENDATION:**

It is recommended that the Board approve the license easement agreement whereby State of Hawaii Department of Hawaiian Home Lands grant the Board of Water Supply, County of Kauai, access and use of Hawaiian home land for access and water utility purposes as identified in "Exhibit A".

**FUNDING:** N/A

### **BACKGROUND:**

The KIUC Anahola Service Center has been built on 4.5 acres of Hawaiian home land to provide both electrical and community meeting area service for the Anahola community. The facility included the installation of a new 8-inch waterline along Kuhio Highway and fire protection. Additionally, private on-site fire protection, to protect the facility and its occupants, was installed and is serviced by a Reduced Pressure Detector Assembly (RPDA) and associated DOW water meter, which is located within the DHHL property licensed to KIUC for security purposes. DHHL has agreed to provide the DOW a license easement agreement for access to the property to maintain the DOW owned and operated equipment.

### **OPTIONS:**

**Option 1: Approve the DHHL license easement agreement.**

Pro: Approval of the license will allow the Department to access, maintain and operate the DOW equipment related to the RPDA operation.

Con: An agreement is required to be entered into and maintained for DOW access and maintenance of its equipment.

**Option 2: Do not approve the DHHL license easement agreement.**

Pro: The DOW is not bound by an agreement with DHHL.

Con: The DOW will not have access to maintain and operate the water utility required for KIUC to operate and occupy the facility.

MKH /cz

Attachment(s): 20221206\_DHHL License 853 KIUC Anahola

---

After Recordation Return By: Mail ( ) Pickup ( ) To:

---

Affects Tax Map Key No.: (4)4-7-004:002 (por.)

LICENSE EASEMENT NO. 853

between

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS  
as Licensor

and

COUNTY OF KAUAI  
Board of Water Supply  
as Licensee

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

LICENSE NO. 853

THIS LICENSE EASEMENT No. 853 ("License") made and issued this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by and between the State of Hawaii by its DEPARTMENT OF HAWAIIAN HOME LANDS, whose place of business is 91-5420 Kapolei Parkway, Kapolei, Hawaii 96707, and whose mailing address is P. O. Box 1879, Honolulu, Hawaii 96805, hereinafter called "LICENSOR", and the BOARD OF WATER SUPPLY, COUNTY OF KAUAI, whose place of business and mailing address is 4398 Pua Loke Street, Lihue, Hawaii 96766 hereinafter called "LICENSEE".

WITNESSETH:

WHEREAS, under Section 207(c)(1)(A) of the Hawaiian Homes Commission Act, 1920, as amended, and Section 10-4-22 of the Administrative Rules of the Department of Hawaiian Home Lands, as amended, LICENSOR is authorized to grant licenses for the use of Hawaiian home lands for public purposes; and

WHEREAS, LICENSEE has requested an exclusive license to use Hawaiian home lands for access and water utility purposes for the Kauai Island Utility Cooperative(KIUC), Anahola Solar Project Service Center (General Lease No. 299); and

WHEREAS, LICENSEE provides for the management, modification, repair, maintenance, and operation of the KIUC Service Center water meter and easement area.

NOW THEREFORE, in consideration of the terms and conditions herein contained to be observed and performed by the LICENSEE, LICENSOR hereby grants to LICENSEE this License as easement to use a 504 square feet portion of that Hawaiian home lands parcel shown on the Tax Map attached hereto and incorporated herein as Exhibit "A", more specifically identified by Tax Map Key No. (4)4-7-004:002(por.), more or less, hereinafter referred to as "Premises".

THE TERMS AND CONDITIONS upon which LICENSOR grants the aforesaid right and privilege are as follows:

1. Term. The term of this License is for a term in perpetuity, commencing on the date that this license document is

fully executed by the LICENSEE and LICENSOR unless sooner terminated as hereinafter provided.

2. Fee. The license fee shall be gratis.

3. Use. LICENSEE may not use the premises for any purpose other than for management, modification, repair, maintenance and operation of the water meter and easement area.

4. Maintenance and Repair. During the term of this License, LICENSEE shall at its expense repair and maintain the Premises including water, gas, plumbing, piping, electrical wiring, glass and all other fixtures in or on the Premises with all necessary reparations and amendments whatsoever; shall keep the Premises and all improvements thereon in a strictly clean and sanitary condition and shall comply with all laws, ordinances, rules and regulations of the Federal, State, County or municipal governments that are applicable to the Premises and improvements; and shall allow LICENSOR or its agents or employees at all reasonable times, free access to the Premises for the purpose of examining the same or determining whether the conditions herein are being fully observed and performed, and shall make good, or commence to make good, at its own cost and expense all defects within sixty (60) days after the mailing of written notice by registered mail to the last known address of LICENSEE.

5. Approval of Construction. All plans and specifications for any improvements, modifications, alterations, or additions to be constructed on the land, to include clearing, grading, grubbing, fencing, building construction, parking and signage now or hereafter erected on the premises, must be submitted to, and approved by the Chairman of the Hawaiian Homes Commission prior to commencement.

6. Construction Standards. LICENSEE shall undertake no construction until LICENSOR has reviewed and approved the plans. All uses and construction must utilize only new materials and be in full compliance with all laws, ordinances, rules, and regulations of the Federal, State and County governments and be approved and Licensed by all applicable government agencies.

7. Ownership/Right to Remove Improvements. All buildings or structures or other major improvements of whatever kind that the LICENSEE constructs or erects on the Premises shall remain the property of the LICENSEE during the term of this License. LICENSEE shall have the right, prior to the termination of this License, or within such additional period as LICENSOR in its reasonable



discretion may allow, to remove its property from the premises; provided that after sixty (60) days written notice to remove, LICENSOR may at its option retain the property or remove the same and charge the cost of removal and storage, if any, to the Licensee. All insurance and condemnation proceeds pertaining to improvements on the premises shall be the sole property of LICENSEE.

8. Waste: Unlawful Use. LICENSEE shall not do or commit or license or suffer to be done, any willful or voluntary waste or destruction in and upon the premises, any nuisance, or any unlawful or improper use of the premises.

9. Non-Discrimination. LICENSEE shall not use the Premises, nor license the Premises to be used in support of any policy that unlawfully discriminates against anyone based upon creed, color, national origin, sex, or a physical handicap. LICENSEE shall not practice any unlawful discrimination based upon creed, color, national origin, sex, or a physical handicap.

10. Default of Licensee. It is expressly agreed that this License is contingent upon the continuing condition that if LICENSEE after a thirty (30) day demand, fails to observe or perform substantially the provisions contained herein, and if LICENSEE does not commence to cure, and diligently continue to attempt to cure, such default within sixty (60) days after delivery by LICENSOR of a written notice of such failure by personal service or by certified mail to LICENSEE; or if the LICENSEE becomes bankrupt, insolvent or files any debtor proceedings or takes or has taken against it for good cause any proceedings of any kind or character whatsoever under any provision of the Federal Bankruptcy Act seeking readjustment, rearrangement, postponement, composition or reduction of LICENSEE'S debts, liabilities or obligations; then in any such event LICENSOR may at its option cancel this License and thereupon take immediate possession of the Premises, after a reasonable time or right of action which LICENSOR may have.

11. Surrender. Upon the expiration of this License, or its sooner termination as herein provided, LICENSEE shall peaceably and quietly leave, surrender, and deliver to LICENSOR possession of the Premises. Without limiting LICENSEE'S rights to insurance and condemnation proceeds, LICENSEE shall have the option to surrender this License where the portion damaged or taken renders the remainder unsuitable for the use or uses for which the premises were licensed.

12. Indemnification. LICENSEE shall indemnify and hold harmless LICENSOR, its officers, employees, and agents from and against all liability, loss, damage, cost, and expenses, thereof, arising out of or resulting from LICENSEE'S (including its officers, employees, or agents) use and possession of the Premises. This provision shall survive the expiration or earlier termination of this License.

Notice of Third-Party Claims. LICENSOR shall give LICENSEE prompt written notice (a "Claim Notice") of any Losses or discovery of facts on which LICENSOR intends to base a request for indemnification under Section 12. LICENSOR's failure to provide a Claim Notice to LICENSEE under this Section 12 does not relieve LICENSEE of any liability that LICENSEE may have to LICENSOR, but in no event shall LICENSEE be liable for any Losses that result from a delay in providing a Claim Notice, which delay materially prejudices the defense of the related third-party claim. Each Claim Notice must contain a description of the third-party claim and the nature and amount of the related Losses (to the extent that the nature and amount of the Losses are known at the time). LICENSOR shall furnish promptly to LICENSEE copies of all papers and official documents received in respect of any Losses.

13. Costs of Litigation. In case either party shall, without any fault on its part, be made a party to any litigation commenced by or against the other (other than condemnation proceedings), the party at fault shall pay all costs, including reasonable attorney's fees and expenses incurred by or imposed on the other. The prevailing party in any dispute between the parties shall be entitled to recover its reasonable attorney's fees.

14. Hazardous Materials. LICENSEE shall not cause the escape, disposal, or release of any hazardous materials. LICENSEE shall not allow the storage or use of such materials in any manner not sanctioned by law or by the highest standards prevailing in the industry for the storage and use of such materials, nor allow to be brought onto the Premises any such materials except to use in the ordinary course of LICENSEE'S business, and then only after written notice is given to the LICENSOR of the identity of such materials and upon LICENSOR'S consent, which consent may be withheld at the LICENSOR'S sole and absolute discretion. If any lender or governmental agency shall ever require testing to ascertain whether or not there has been any release of hazardous materials by LICENSEE, then LICENSEE shall be responsible for the costs thereof. In addition, LICENSEE shall execute affidavits, representations, and the like from time to time at LICENSOR'S request concerning LICENSEE'S best knowledge and belief regarding

the presence of hazardous materials on the Premises placed or released by LICENSEE.

LICENSEE shall agree to indemnify and hold harmless LICENSOR, its officers, employees, and agents from and against all liability, loss, damage, cost, and expense, including all attorney's fees, and all claims, suits, and demands therefor, arising out of or resulting from any use or release of hazardous materials on the Premises occurring while LICENSEE is in possession, or elsewhere, if caused by LICENSEE or persons acting under LICENSEE. These covenants shall survive the expiration or earlier termination of this License.

For the purpose of this License, the term "hazardous material" as used herein shall include any substance, waste or material designated as hazardous or toxic or radioactive or other similar term by any present or future Federal, State or local statutes, regulation or ordinance, such as the Resource Conservation and Recovery Act, as amended, the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, and the Federal Clean Water Act, as amended from time to time, and also including but not limited to petroleum, petroleum based substances, asbestos, polychlorinated-biphenyl ("PCB"), formaldehyde, and also including any substance designated by Federal, State or local regulations, now or in the future, as presenting a risk to human health or the environment.

Prior to the termination of this License, LICENSEE may be required to conduct a Level One (1) Hazardous Waste Evaluation and conduct a complete abatement and disposal, if necessary, satisfactory to the standards required by the Federal Environmental Protection Agency, the Department of Health and LICENSOR.

15. Abandonment. In the event the easement area, hereby granted, shall be abandoned or shall remain unused for the purpose granted for a continuous period of two years, all rights granted hereunder shall terminate, and the LICENSEE will remove its appliances, equipment, and improvements and restore the land as nearly as is reasonably possible to the condition existing immediately prior to the time of installation or construction of its improvements, if any, the LICENSOR hereby consenting and agreeing to such removal. If abandonment in place of the water facilities is not permitted, the Licensor and Licensee shall mutually agree upon the amount of time allowed for the removal of the water infrastructure subject to reasonable time frames to facilitate compliance with all applicable laws including the

Hawaii Procurement Code and the Hawaii environmental review statute.

16. Definition of Premises. The word "Premises" when it appears in this License includes and shall be deemed to include the lands described above and all buildings and improvements whenever and wherever erected or placed thereon.

17. Relocation. That should the LICENSOR's development plans require that the Premises and/or waterworks facility improvements within, on, or under the Premises be re-located, the LICENSOR will, at the LICENSOR's own expense and pursuant to the LICENSEE'S instructions and specifications, re-locate the affected Premises and waterworks facility improvements and appurtenances without interruption of the LICENSEE'S services.

18. Foundation. That the LICENSOR shall at no time erect any building foundation of any kind below the surface of the land which is the subject of this License or any building or structure of any kind (other than roads, sidewalks, curbs, or similar appurtenances) on the surface of the land which is the subject of the Premises unless the LICENSOR receives the prior written consent of the LICENSEE.

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. 18 shall not prevent the LICENSOR from crossing over, constructing, and maintaining roadways within the Premises or laying, operating, maintaining, repairing, or removing conduits and drains which do not interfere with the exercise of the LICENSEE'S rights under this License.

19. Miscellaneous.

a. Consents. Whenever under the terms of this License the consent or approval of either party shall be required, such consent or approval shall not be unreasonably or arbitrarily withheld.

b. Bind and Inure. This License shall be binding upon and inure to the benefit of LICENSOR and LICENSEE and their respective officers, directors, representatives, personal representatives, successors, successors-in-trust, and assigns.

c. Applicable Law; Severability. This License shall be governed by and interpreted in accordance with the laws of the State of Hawaii. If any provision of this License is held to be invalid or unenforceable, the validity or enforceability of the other provisions shall remain unaffected.

d. Paragraph Headings. The headings of paragraphs in this License are inserted only for convenience and shall in no way define, describe, or limit the scope or intent or any provision of this License.

e. Incorporation of Agreements. This License incorporates all agreements between the parties relating to the subject matter hereof, and supersedes all other prior oral or written letters, agreements or understandings relating to the subject matter hereof. This License may not be modified or amended, not any of the provisions hereof waived, except by an instrument in writing signed by the parties hereto.

f. Counterparts. The parties hereto agree that this License may be executed in counterparts, each of which shall be deemed an original, and said counterparts shall together constitute one and the same agreement, binding all of the parties hereto, notwithstanding all of the parties are not signatory to the original or the same counterparts. In making proof of this License, it shall not be necessary to produce or account for more than one such counterpart. For all purposes, including, without limitation, recordation and delivery of this License, duplicate unexecuted and unacknowledged pages of the counterparts may be discarded, and the remaining pages assembled as one document.

[REMAINDER OF PAGE BLANK -- SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the parties hereto have caused these presents to be duly executed the day and year first above written.

Approved by the Chairman,  
Hawaiian Homes Commission  
October 5, 2022

State of Hawaii  
DEPARTMENT OF HAWAIIAN HOME LANDS

APPROVED AS TO FORM:

By \_\_\_\_\_  
William J. Aila, Jr., Chairman  
Hawaiian Homes Commission

LICENSOR

*Ryan Cuda*  
\_\_\_\_\_  
Deputy Attorney General  
State of Hawaii

COUNTY OF Kauai

By \_\_\_\_\_  
Joseph Tait  
Manager and Chief Engineer

APPROVED AS TO  
FORM AND LEGALITY:

By \_\_\_\_\_  
Julie Simonton  
Chair, Board of Water Supply,  
County of Kauai

\_\_\_\_\_  
Mahealani M. Krafft  
Deputy County Attorney  
County of Kauai

LICENSEE

Date: \_\_\_\_\_

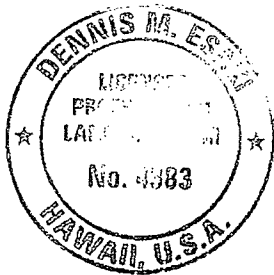
EASEMENT W-1  
(For Water Purposes)

LAND SITUATED AT KAMALOMALOO, KAWAIHAU, KAUAI, HAWAII

Being a Portion of Lot 3  
Being Also a Portion of the Government Land of  
Kamalomaloo Designated as Hawaiian Home Lands

Beginning at the northeast corner of this parcel of land and along the west side of Kuhio Highway, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KIKOO" being 7,136.97 feet South and 9,267.22 feet East, thence running by azimuths measured clockwise from true South:

- |    |          |       |  |
|----|----------|-------|--|
| 1. | 348° 06' | 14.00 | feet along the west side of Kuhio Highway;   |
| 2. | 78° 06'  | 36.00 | feet along the remainder of Lot 3;   |
| 3. | 168° 06' | 14.00 | feet along the remainder of Lot 3;   |
| 4. | 258° 06' | 36.00 | feet along the remainder of Lot 3 to the point of beginning and containing an area of 504 square feet. |



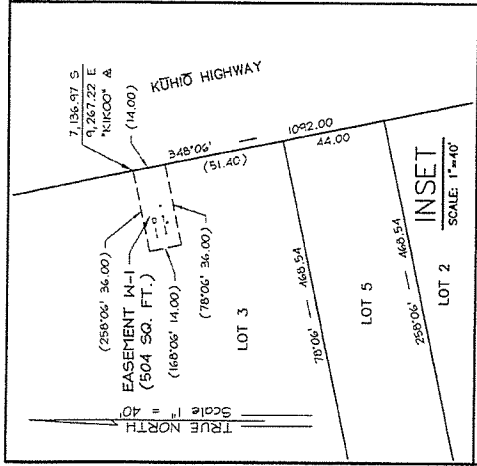
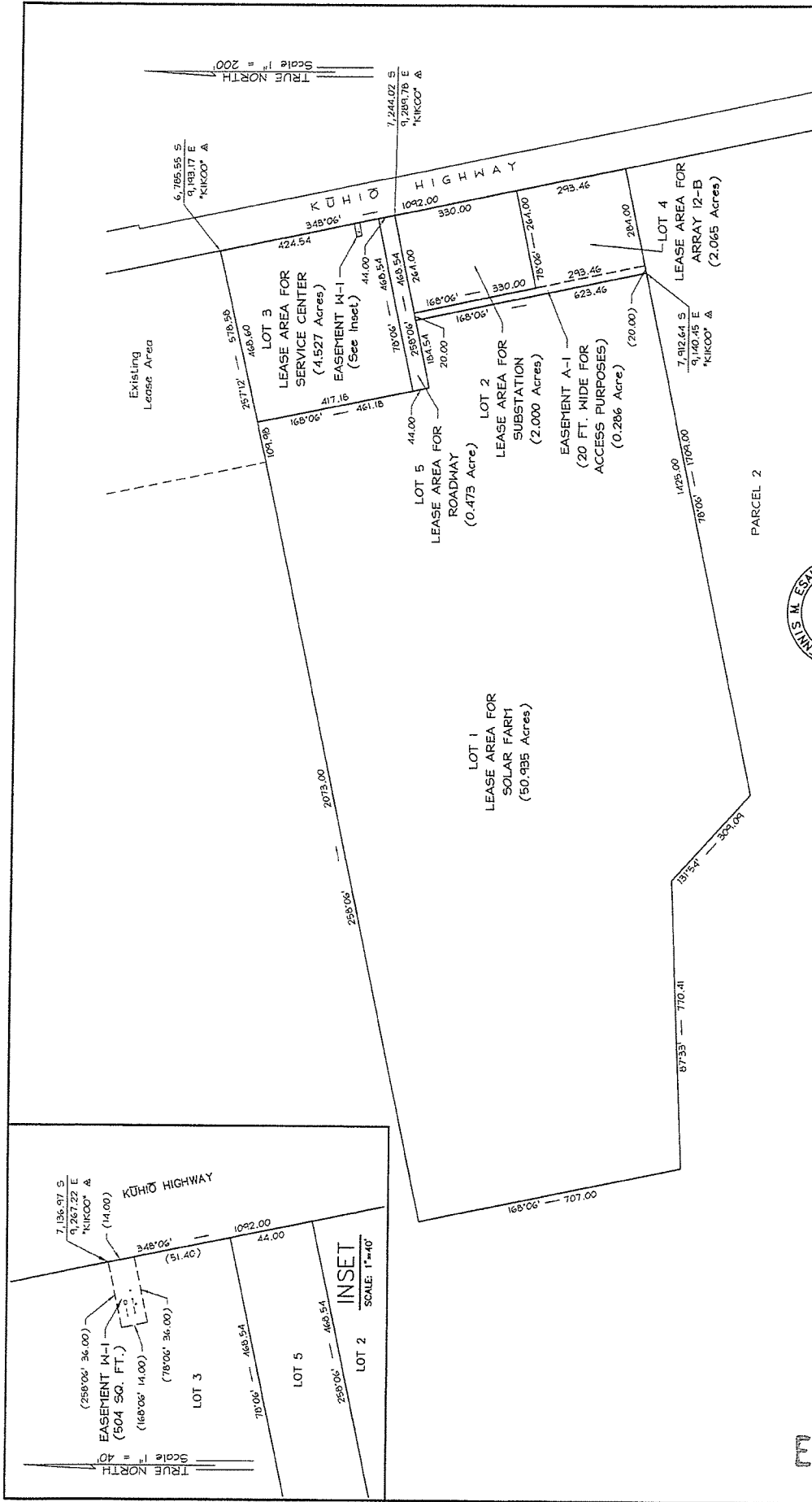
Lihue, Hawaii  
February 2022

DESCRIPTION PREPARED BY:  
ESAKI SURVEYING AND MAPPING, INC.

A handwritten signature in black ink, appearing to read "Dennis M. Esaki", written over a horizontal line.

Dennis M. Esaki  
Licensed Professional Land Surveyor  
Certificate Number 4383

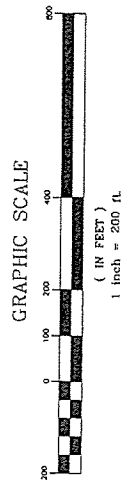
EXHIBIT "A"



**DESIGNATION OF EASEMENT W-1**  
 BEING A PORTION OF LOT 3  
 BEING ALSO A PORTION OF THE  
 GOVERNMENT LAND OF KAMALOMALOO  
 DESIGNATED AS HAWAIIAN HOME LANDS  
 KAMALOMALOO, KAHAIHAI, KAUA'I, HAWAII  
 Tax Map Key: (4) 4-7-04: por. 02  
 Prepared For: Kaua'i Island Utility Coop.  
 Date: February 2, 2022



THIS WORK WAS PREPARED BY ME  
 OR UNDER MY SUPERVISION  
 Signature: *[Signature]*  
 DENNIS M. ESAKI, INC.  
 EXPIRES: APRIL 30, 2022



**EXHIBIT 12**



# DEPARTMENT OF WATER

County of Kaua'i

*"Water has no Substitute – Conserve It!"*

## MANAGER'S REPORT No. 23-13

December 15, 2022

Re: Discussion and Possible Action for Job No. 23-01, Kōloa Well "A" Pump Replacement for Additional Funding

### **RECOMMENDATION:**

It is recommended that the Board approve additional funding in the amount of \$169,316.00 for Budget Account No. 10-40-50-560-000 for Job No. 23-01, Kōloa Well "A" Pump Replacement project.

### **FUNDING:**

<b>FROM:</b>			
Account No.	10-00-00-330-000		
	Water Utility Fund (unrestricted)		
Funds Available	<i>Verified by WWC</i>	\$	169,316.00
<b>TO:</b>			
Account No.	10-40-50-560-000		
Acct Description	WU/Ops/PandP/Repairs and Maintenance – Water System		
	<i>Additional Funds Requested</i>	\$	169,316.00
		\$	<169,316.00>

### **BACKGROUND:**

The pump for Kōloa Well "A" failed on August 10, 2022. Kōloa Well "A" is one of three (3) wells that service the Kōloa area. Well "A" produces 800 GPM while Wells "B" and "E" produces 560 GPM and 725 GPM, respectively. The Invitation For Bids was posted, but there were no bidders at bid opening on September 22, 2022. The specifications were revised, and the Invitation for Bids was reposted, and three bids were received and opened on November 7, 2022. The bids received are from:

Derrick's Well Drilling & Pump Services, LLC	\$169,316.00
Beylik/Energetic A JV	\$379,637.00
Alpha, Inc.	\$521,690.00

The current approved budget in the amount of \$40,000.00 for pump replacement is insufficient for the project to move forward. It is requested that funds in the amount of the lowest bid be

transferred from our unrestricted Water Utility Fund to allow the Department to retain funds for other less costly pump replacement projects.

**OPTIONS:**

**Option 1: Approve Manager's Report as recommended.**

Pro: The Department will be able to have redundancy in providing continued uninterrupted water service to our customers.

Con: The Department would incur the cost of the pump replacement and well refurbishment contract.

**Option 2: Disapprove Manager's Report as recommended.**

Pro: The Department would save the cost of the pump replacement and well refurbishment contract.

Con: With limited redundancy, another pump failure will decrease the Department's capability of providing uninterrupted water service in the Koloa area.

VR

# DEPARTMENT OF WATER

County of Kaua'i

*"Water has no Substitute – Conserve It!"*

## MANAGER'S REPORT No. 23-14

December 15, 2022

Re: Discussion and Possible Action on Joint Funding Agreement with U.S. Geological (USGS)  
For Period October 1, 2022 to September 30, 2023

### **RECOMMENDATION:**

It is recommended that the Board approve the Joint Funding Agreement to continue DOW's cooperative groundwater-monitoring program for period October 1, 2022 to September 30, 2023.

**FUNDING:** no additional funds requested, funds are budgeted.

### **BACKGROUND:**

The Department of Water continues to use the services of the U.S. Geological Survey (USGS) through the Joint Funding Agreement cooperative ground-monitoring program. The purpose of the groundwater-monitoring program is to collect data needed to evaluate the status and trends of water levels in selected wells on Kaua'i. The program includes semi-annual measurements of water levels in 12 wells. Data are collected by the USGS in accordance with well-documented techniques and quality-assurance procedures.

### **OPTIONS:**

#### **Option 1: Approve Manager's Report as recommended.**

Pro: Continue the cooperative groundwater-monitoring program with the U.S. Geological Survey (USGS).

Con: The cooperative groundwater-monitoring program requires funding, however, this has already been budgeted so it is not necessarily a con.

#### **Option 2: Disapprove Manager's Report as recommended.**

Pro: Reduce our expenses although this has already been budgeted and the information we obtain is useful. There is not necessarily a pro to disapprove it.

Con: Discontinue the cooperative groundwater-monitoring program with the USGS.

JK/MH

Attachment(s): USGS Legal Review



## United States Department of the Interior

U.S. GEOLOGICAL SURVEY  
Pacific Islands Water Science Center  
1845 Wasp Blvd, Bld 176  
Honolulu, HI 96818

June 10, 2022

Mr. Joseph Tait, Manager and Chief Engineer  
Department of Water  
County of Kauai  
4398 Pua Loke Street  
Lihue, HI 96766

Dear Mr. Tait:

Subject: Joint Funding Agreement to continue our cooperative groundwater-monitoring program on the Island of Kauai during the period October 1, 2022 to September 30, 2023

Enclosed is a Joint Funding Agreement (JFA) between the County of Kauai Department of Water (KDOW) and the U.S. Geological Survey (USGS) to continue our cooperative groundwater-monitoring program on the Island of Kauai during the period October 1, 2022 through September 30, 2023 in the amount of \$27,120 from your agency. Please sign and return one fully-executed original to Bles Daog at the address above.

The purpose of the groundwater-monitoring program is to collect data needed to evaluate the status and trends of water levels in selected wells on the island of Kauai. The program includes semi-annual measurements of water levels in 12 wells. Data are collected by the USGS in accordance with well-documented techniques and quality-assurance procedures. Data are stored in the USGS National Water Information System database and are publicly available on the internet website (<http://hi.water.usgs.gov>).

The number and type of monitoring stations is periodically adjusted to meet current priorities and available funds. A complete list of monitoring stations and associated costs for the period October 1, 2022 to September 30, 2023 (Federal Fiscal Year 2023) is attached to the JFA.

Federal law requires that we have a signed agreement before we start or continue work. Please return the signed agreement by **October 1, 2022**. If, for any reason, the agreement cannot be signed and returned by the date shown above, please contact Christopher Curran by phone number (808) 690-9603 or email [ccurran@usgs.gov](mailto:ccurran@usgs.gov) to make alternative arrangements.

This is a fixed cost agreement to be billed quarterly via Down Payment Request (automated Form DI-1040). Please allow 30-days from the end of the billing period for issuance of the bill. If you experience any problems with your invoice(s), please contact Bles May Daog at phone number (808) 690-9601 or email at [bdaog@usgs.gov](mailto:bdaog@usgs.gov).

Mr. Joseph Tait, Manager and Chief Engineer

Page 2

The results of all work performed under this agreement will be available for publication by the U.S. Geological Survey. We look forward to continuing this and future cooperative efforts in these mutually beneficial water resources studies.

Thank you for your interest in working with the USGS to provide groundwater information for the County of Kauai.

Sincerely,



John P. Hoffmann  
Center Director

Enclosure  
23ZHJFA00000010  
Attachment 1

**Form 9-1366  
(May 2018)**

**U.S. Department of the Interior  
U.S. Geological Survey  
Joint Funding Agreement  
FOR  
Water Resource Investigations**

**Customer #: 600001186  
Agreement #: 23ZHJFA00000010  
Project #: ZH00GSN  
TIN #: 99-6000658**

**Fixed Cost Agreement YES[ X ] NO[ ]**

THIS AGREEMENT is entered into as of the October 1, 2022, by the U.S. GEOLOGICAL SURVEY, Pacific Islands Water Science Center, UNITED STATES DEPARTMENT OF THE INTERIOR, party of the first part, and the County of Kauai Department of Water party of the second part.

1. The parties hereto agree that subject to the availability of appropriations and in accordance with their respective authorities there shall be maintained in cooperation groundwater monitoring program according to the list of stations in Attachment 1, herein called the program. The USGS legal authority is 43 USC 36C; 43 USC 50, and 43 USC 50b.

2. The following amounts shall be contributed to cover all of the cost of the necessary field and analytical work directly related to this program. 2(b) include In-Kind-Services in the amount of \$0.00

- (a) \$0 by the party of the first part during the period October 1, 2022 to September 30, 2023
- (b) \$27,120 by the party of the second part during the period October 1, 2022 to September 30, 2023
- (c) Contributions are provided by the party of the first part through other USGS regional or national programs, in the amount of: \$0

Description of the USGS regional/national program:

- (d) Additional or reduced amounts by each party during the above period or succeeding periods as may be determined by mutual agreement and set forth in an exchange of letters between the parties.
- (e) The performance period may be changed by mutual agreement and set forth in an exchange of letters between the parties.

3. The costs of this program may be paid by either party in conformity with the laws and regulations respectively governing each party.

4. The field and analytical work pertaining to this program shall be under the direction of or subject to periodic review by an authorized representative of the party of the first part.

5. The areas to be included in the program shall be determined by mutual agreement between the parties hereto or their authorized representatives. The methods employed in the field and office shall be those adopted by the party of the first part to insure the required standards of accuracy subject to modification by mutual agreement.

6. During the course of this program, all field and analytical work of either party pertaining to this program shall be open to the inspection of the other party, and if the work is not being carried on in a mutually satisfactory manner, either party may terminate this agreement upon 60 days written notice to the other party.

7. The original records resulting from this program will be deposited in the office of origin of those records. Upon request, copies of the original records will be provided to the office of the other party.

8. The maps, records or reports resulting from this program shall be made available to the public as promptly as possible. The maps, records or reports normally will be published by the party of the first part. However, the party of the second part reserves the right to publish the results of this program, and if already published by the party of the first part shall, upon request, be furnished by the party of the first part, at cost, impressions suitable for purposes of reproduction similar to that for which the original copy was prepared. The maps, records or reports published by either party shall contain a statement of the cooperative relations between the parties. The Parties acknowledge that scientific information and data developed as a result of the Scope of Work (SOW) are subject to applicable USGS review, approval, and release requirements, which are available on the USGS Fundamental Science Practices website (<https://www.usgs.gov/about/organization/science-support/science-quality-and-integrity/fundamental-science-practices>).

**Form 9-1366  
(May 2018)**

**U.S. Department of the Interior  
U.S. Geological Survey  
Joint Funding Agreement  
FOR**

**Customer #: 6000001186  
Agreement #: 23ZHJFA00000010  
Project #: ZH00GSN  
TIN #: 99-6000658**

**Water Resource Investigations**

9. Billing for this agreement will be rendered quarterly. Invoices not paid within 60 days from the billing date will bear Interest, Penalties, and Administrative cost at the annual rate pursuant the Debt Collection Act of 1982, (codified at 31 U.S.C. § 3717) established by the U.S. Treasury.

**USGS Technical Point of Contact**

Name: Christopher Curran  
Assistant Center Director  
Address: 1845 Wasp Boulevard  
Honolulu, HI 96818  
Telephone: (808) 690-9603  
Fax: (808) 690-9599  
Email: ccurran@usgs.gov

**Customer Technical Point of Contact**

Name: Joseph Tait  
Manager and Chief Engineer  
Address: Department of Water, County of Kauai  
4398 Pua Loke Street  
Lihue, HI 96766  
Telephone: (808) 245-5403  
Fax:  
Email: jtait@kauaiwater.org

**USGS Billing Point of Contact**

Name: Bles May Daog  
Budget Analyst  
Address: 1845 Wasp Boulevard Bld 176  
Honolulu, HI 96818  
Telephone: (808) 690-9601  
Fax: (808) 690-9599  
Email: bdaog@usgs.gov

**Customer Billing Point of Contact**

Name: Marites Yano  
Waterworks Controller  
Address: 4398 Pua Loke Street  
Lihue, HI 96766  
Telephone: (808) 245-5422  
Fax: (808) 245-5813  
Email: myano@kauaiwater.org

**U.S. Geological Survey  
United States  
Department of Interior**

**Department of Water  
County of Kauai**

**Signature**

JOHN  
By HOFFMANN Digitally signed by JOHN HOFFMANN  
Date: 2022.06.09 08:29:14  
-10'00' Date: June 9, 2022  
Name: John P. Hoffmann  
Title: Center Director

**Signatures**

By \_\_\_\_\_ Date: \_\_\_\_\_

Name:  
Title:

By \_\_\_\_\_ Date: \_\_\_\_\_

Name:  
Title:

By \_\_\_\_\_ Date: \_\_\_\_\_

Name:  
Title:

County of Kauai Department of Water  
 Attachment for 23ZHJFA00000010  
 10/1/2022 to 9/30/2023

GROUND WATER

SITE NUMBER & DESCRIPTION	FUNDS	
	USGS	COOP TOTAL
215454159274201 2-5427-01 Koloa W-A, Kauai, HI Ground Water Semi-Annual	\$2,260	\$2,260
215522159342601 2-5534-03 Hanapepe Town, Kauai, HI Ground Water Semi-Annual	\$2,260	\$2,260
215630159265101 2-5626-01 Puakukui Springs, Kauai, HI Ground Water Semi-Annual	\$2,260	\$2,260
215803159401201 2-5840-01 Waimea W-A, Kauai, HI Ground Water Semi-Annual	\$2,260	\$2,260
215857159430101 2-5843-01 Kekaha Shaft (S12), Kauai, HI Ground Water Semi-Annual	\$2,260	\$2,260
215901159235301 2-5923-01 Kilohana W-A, Kauai, HI Ground Water Semi-Annual	\$2,260	\$2,260
215950159231601 2-5923-08 Hanamaulu Mon. Well, Kauai, HI Ground Water Semi-Annual	\$2,260	\$2,260
215958159214301 2-5921-01 Kalepa Ridge W-10, Kauai, HI Ground Water Semi-Annual	\$2,260	\$2,260
220354159205602 2-0320-03 Nonou W-B, Kauai, HI Ground Water Semi-Annual	\$2,260	\$2,260
220825159185301 2-0818-03 Anahola C, Kauai, HI Ground Water Semi-Annual	\$2,260	\$2,260
221247159324801 2-1232-01 Wainiha W-1, Kauai, HI Ground Water Semi-Annual	\$2,260	\$2,260
221318159335901 2-1333-01 Haena W-66, Kauai, HI Ground Water Semi-Annual	\$2,260	\$2,260
<b>Total:</b>	<b>\$27,120</b>	<b>\$27,120</b>
<b>GRAND TOTAL:</b>	<b>\$27,120</b>	<b>\$27,120</b>





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

### **BOARD MEETING DATES FOR 2023**

(Department of Water, County of Kaua'i *Rules & Regulations, Part I, Section II* – Regular Meetings of the Board shall be held in the Department of Water's Board Room or any designated place once each month, or on a date to be determined by the Board.)

1.	January	Thursday, January 19	9:30 a.m.
2.	February	Thursday, February 16	9:30 a.m.
3.	March	Thursday, March 16	9:30 a.m.
4.	April	Thursday, April 20	9:30 a.m.
5.	May	Thursday, May 18	9:30 a.m.
6.	June	Thursday, June 15	9:30 a.m.
7.	July	Thursday, July 20	9:30 a.m.
8.	August	Thursday, August 17	9:30 a.m.
9.	September	Thursday, September 21	9:30 a.m.
10.	October	Thursday, October 19	9:30 a.m.
11.	November	Thursday, November 16	9:30 a.m.
12.	December	Thursday, December 21	9:30 a.m.

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

STAFF

REPORTS

## PLACEHOLDER

### STAFF REPORTS

1. Fiscal - Statement of Revenues and Expenditures
  - a. November 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

December 15, 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](http://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 &amp; Affected Service Areas</i>	<i>Announcement</i>	<i>Effective Date &amp; Times</i>	<i>Other Notices</i>
11/27/22 PSA	WAINIHA – portion of Ananalu Road and Kuhio Highway	Emergency water service shutdown, 12 customers affected	Nov. 27 from approximately 5:45 a.m. until further notice	Kauai County Alerts
		Potable water access available	Posted at 9:40 a.m.	
11/28/22 PSA		Shutdown extended 6 hours; water service restored to some	Nov. 28 updates provided at 9:15 a.m., 10:30 a.m., 12:45 p.m.	
		Water service restored	Nov. 28 at approximately 6 p.m.	

*PSA: Public Service Announcement*

### Public Relations Program

#### Community Outreach & Education

- The Department's "Wise Water Wednesday" campaign for the month of December includes an automatic bill pay services, holiday water saving tips and EPA WaterSense label reminder. 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 participated in a Science, Technology, Engineering, Math (STEM) night event at the Ele'ele Elementary School on Nov. 16, 2022. Jonell Kaohelauli'i hosted a water math exhibit and activity challenging families to calculate the number of gallons of water wasted from a leaky toilet and provided a display to compare how much water is used during a 5-minute shower versus a 10-minute shower. Students who answered correctly received a prize. The water math activity was well received and stimulated discussions between parents and students on practicing conservation at home. *Photo attachment.*

### Upcoming Community Outreach & Educational Events

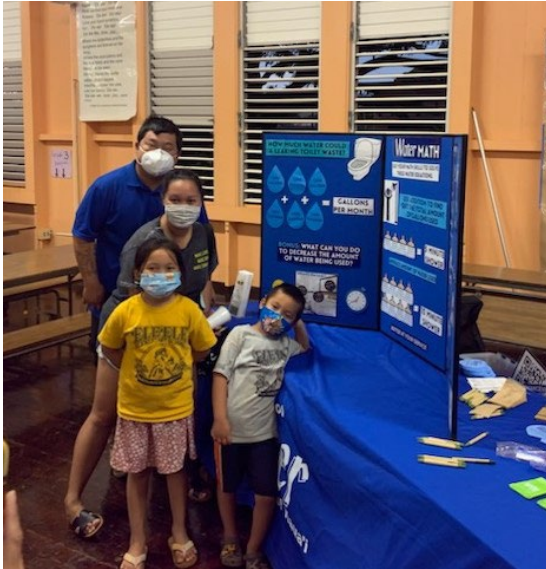
- EPA's Fix a Leak Week - March 13-17, 2023

### **Project WET (Water Education Today) Hawaii**

- Jonell continues to serve on PWET USA's coordinator newsletter committee as the region 1 representative and attended their bi-monthly meeting on Dec.1, 2022.
- Planning for 2023 events for PWET is underway and will include 2 workshops and the annual water education festival, make a Splash which will be hosted by DOW. Additional activities are being considered statewide with assistance from the neighbor island facilitator network.

### **Miscellaneous**

- Jonell serves on the 2023 Pacific Water Conference's Publications committee as co-chair. Meetings are held monthly through the end of the year. The conference is scheduled for Feb. 7-9, 2023.
- Photos of DOW's exhibit and a few of the participating families at the Ele'ele Elementary STEM night on Oct. 16, 2022:



## PLACEHOLDER

### STAFF REPORTS

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

DEPARTMENT OF WATER

County of Kaua'i

“Water has no Substitute – Conserve It!”

MANAGER’S UPDATE

December 15, 2022

Pursuant to Board Policy No. 3

**CONTRACTS AWARDED/EXTENSION/AMENDMENTS:**

- 1 CHANGE ORDER NO. 1 FOR CONTRACT NO. 709, JOB NO. 18-07, KUKUIOLONO 0.2 MG TANK DEMOLITION, KALĀHEO WATER SYSTEM WITH PACIFIC CONCRETE CUTTING & CORING, INC. FOR A CONTRACT TIME EXTENSION OF 270 CALENDAR DAYS WITH NO ADDITIONAL FUNDING**

FUNDING:

Account No.	10-21-00-604-167			
Acct Description	WU/CM/R&R-Kukuiolono Tank Demo			
Funds Available	Verified by WWC		\$	N/A
Contract No.	709			
Vendor	Pacific Concrete Cutting & Coring, Inc.			
	Contract Amount	\$	380,968.25	
	5% Contingency	\$	19,048.00	
	Total Funds Certified To Date	\$	400,016.25	
Change Order No. 1:				
	Contract Time Extension 270 calendar days	\$	0.00	
	Total Change Order	\$	0.00	
	Contract Amount To Date	\$	380,968.25	
	Fund Balance		\$	N/A

BACKGROUND:

Contract NTP Date: March 15, 2022  
 Original Contract End Date: December 9, 2022  
 New Contract End Date: September 6, 2023

Contract time extension needed due to this project being delayed by DOW for project submittal reviews. There are no additional costs associated with this Change Order No. 1 and the intent is only to extend the contract period. This project is anticipated to start in January 2023. The contract time will be extended by 270 calendar days for a revised contract end date of September 6, 2023

- 2 JOINT FUNDING AGREEMENT WITH U.S. GEOLOGICAL SURVEY (USGS) FOR PERIOD OCTOBER 1, 2022 TO SEPTEMBER 30, 2023 IN THE AMOUNT OF \$27,120**

FUNDING:

Account No.	10-20-10-540-010			
Acct Description	WU/Eng/Admin/Professional Services			
Funds Available	Verified by WWC		\$	45,000.00
Contract No.	N/A			
Vendor	USGS			
	Contract Amount	\$	27,120.00	
	5% Contingency	\$	N/A	
	Total Funds Certified	\$	27,120.00	\$ <27,120.00>
Fund Balance			\$	17,880.00

**BACKGROUND:**

The Department of Water continues to use services with the U.S. Geological Survey (USGS) through the Joint Funding Agreement cooperative ground-monitoring program. The purpose of the groundwater-monitoring program is to collect data needed to evaluate the status and trends of water levels in selected DOW wells on Kaua'i. The program includes semi-annual measurements of water levels in 12 wells. Data are collected by the USGS in accordance with well-documented techniques and quality-assurance procedures. The number and type of monitoring stations is periodically adjusted to meet current priorities and available funds.

**3 5<sup>th</sup> & FINAL YEAR SERVICES FOR CONTRACT NO. 670 FOR THE CONSULTING SERVICES, LLC. JOB NO. IT-2019-1, CC&B CLOUD HOSTING AND SUPPORT WITH PRITHIBI IN THE AMOUNT OF \$250,000.00**

**FUNDING:**

Account No.	10-02-10-561-000			
Acct Description	WU/IT/Admin/Repairs and Maintenance-Other than Water System			
Funds Available	Verified by WWC		\$	250,000.00
Contract No.	670			
Vendor	Prithibi Consulting Services, LLC			
	Contract Amount	\$	250,000.00	
	5% Contingency	\$	12,500.00	
	2 <sup>nd</sup> of 5 Years	\$	250,000.00	
	3 <sup>rd</sup> of 5 Years	\$	250,000.00	
	4 <sup>th</sup> of 5 Years	\$	250,000.00	
	Total Funds Certified To Date	\$	1,012,500.00	
5 <sup>th</sup> of 5 years:				
Funding for 5 <sup>th</sup> Year Services, 2022-2023 Budget		\$	250,000.00	



MANAGER'S UPDATE

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

December 15, 2022

Page 3 of 5

	Total Funding for 5 <sup>th</sup> Year	\$	250,000.00	\$	<250,000.00>
	Contract Amount To Date	\$	1,250,000.00		
	Fund Balance			\$	0.00

BACKGROUND:

Contract NTP Date: January 30, 2019

Original Contract End Date: January 28, 2024

On October 3, 2016, the Department of Water (DOW) moved to our own billing system; Oracle Customer Care & Billing (CC&B). We have since upgraded the system and it is currently on version 2.5.0.2. The Department finds that the need to convert CC&B to a hosted solution is critical to the DOW's operations to ensure that the billing system is functioning reliably. In addition, a hosted solution will allow for I.T. Staff to focus on the day to day operations of the DOW.

The DOW executed a 5-year contract with Prithibi Consulting Services, LLC on January 4, 2019 for support and management services of DOW's cloud hosting solutions which include servers, operating systems, software, storage, report writer, backups, networking, and security.

**4 3<sup>rd</sup> YEAR SERVICES FOR CONTRACT NO. 701, JOB NO. 20-03 SCADA SYSTEM MAINTENANCE AND PROFESSIONAL CONSULTATION SERVICES, WITH GLENMOUNT GLOBAL SOLUTIONS, LLC IN THE AMOUNT OF \$158,764.00**

FUNDING:

Account No.	10-02-10-561-000				
Acct Description	WU/IT/Admin/Repairs and Maintenance-Other than Water System				
Funds Available	<i>Verified by WWC</i>			\$	<155,826.00>
Contract No.	701				
Vendor	Glenmount Global Solutions, LLC				
	Contract Amount	\$	158,764.00		
	Remaining Contingency	\$	2,938.00	\$	<2,938.00>
	Change Order No. 1	\$	71,236.00		
	2 <sup>nd</sup> Year Services	\$	158,764.00		
	Total Funds Certified To Date	\$	391,702.00		
<b>3<sup>rd</sup> Year Services:</b>					
	SCADA System Maintenance and Professional Consultation Services, Year 3 of 3	\$	155,826.00		
	Remaining Contingency	\$	2,938.00		
	Total 3 <sup>rd</sup> Year Services	\$	158,764.00	\$	<158,764.00>

MANAGER'S UPDATE

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

December 15, 2022

Page 4 of 5

Contract Amount To Date	\$	547,528.00
-------------------------	----	------------

BACKGROUND:

Contract NTP Date: January 2, 2021  
Original Contract End Date: January 1, 2024  
New Contract End Date if Contract Time Extension: N/A

The Department entered into contract with Glenmount Global Solutions, LLC to operate and maintain the SCADA System for 3 years. We are entering in to the 3<sup>rd</sup> year of services for this contract. The budgetary breakdown for this 3-year contract are:

Year 1 = \$158,764.00  
Year 2 = \$158,764.00  
**Year 3 = \$158,764.00**

**5 INVITATION FOR BID, CONTRACT NO. TBD JOB NO. 23-01, KŌLOA WELL “A” PUMP REPLACEMENT AWARDED TO DERRICK’S WELL DRILLING & PUMP SERVICES, LLC IN THE AMOUNT OF \$169,316.00**

FUNDING:

Account No.	10-40-50-560-000		
Acct Description	WU/Ops/P and P/Repairs and Maintenance-Water System		
Funds Available	<i>Verified by WWC</i>		\$ 40,000.00
	Per Approved Manager’s Report No. 23-13		\$ 169,316.00
			\$ 209,316.00
Contract No.	<b>TBD</b>		
Vendor	Derrick’s Well Drilling & Pump Services, LLC		
	Contract Amount	\$ 169,316.00	
	5% Contingency	\$ 8,466.00	
	Total Funds Certified	\$ 177,782.00	\$ <177,782.00>
Fund Balance			\$ 31,534.00

BACKGROUND:

The pump for Kōloa Well “A” failed on August 10, 2022. Kōloa Well “A” is one of three (3) wells that service the Kōloa area. Well “A” produces 800 GPM while Wells “B” and “E” produces 560 GPM and 725 GPM, respectively. The Invitation For Bids was posted, but there were no bidders at bid opening on September 22, 2022. The specifications were revised, and the Invitation for Bids was reposted, and three bids were received and opened on November 7, 2022. The bids received are from:

Derrick’s Well Drilling & Pump Services, LLC	\$169,316.00
Beylik/Energetic A JV	\$379,637.00

Alpha, Inc.

\$521,690.00

We find the cost associated with Kōloa Well “A” Pump Replacement is acceptable and have determined that the pricing received from Derrick’s Well Drilling & Pump Services, LLC is fair and reasonable; therefore, recommend approval to award Job No. 23-01 Kōloa Well “A” Pump Replacement to Derrick’s Well Drilling & Pump Services, LLC.

The current approved budget in the amount of \$40,000.00 for pump replacement is insufficient for the project to move forward. Additional funding was requested and approved per Manager’s Report No. 23-13

**6 SOLE SOURCE #SS-2023-03, CONTRACT NO. TBD, FOR THE ANNUAL LICENSE AND MAINTENANCE SUPPORT FOR COMPUTERIZED MAINTENANCE MANAGEMENT INFORMATION SYSTEM (M-PET® MMIS) IN THE AMOUNT OF \$22,000.00**

**FUNDING:**

Account No.	10-02-10-561-000			
Acct Description	WU/IT/Admin/Repairs and Maintenance-Other than Water System			
Funds Available	Verified by WWC		\$	23,100.00
Contract No.	TBD			
Vendor	Four Winds Group, Inc.			
	Contract Amount (NTE)	\$	22,000.00	
	5% Contingency	\$	1,100.00	
	Total Funds Certified	\$	23,100.00	\$ <23,100.00>

**BACKGROUND:**

Four Winds Group, Inc. who is the registered trademark owner has been working with the Department of Water’s MMIS software program since 1998. In accordance with HAR Chapter 3-122-81 No. 3, Sole Source Procurements for annual license renewal and maintenance for computer software is approved by the Procurement Policy Board.

**CONVEYANCE OF WATER FACILITIES**

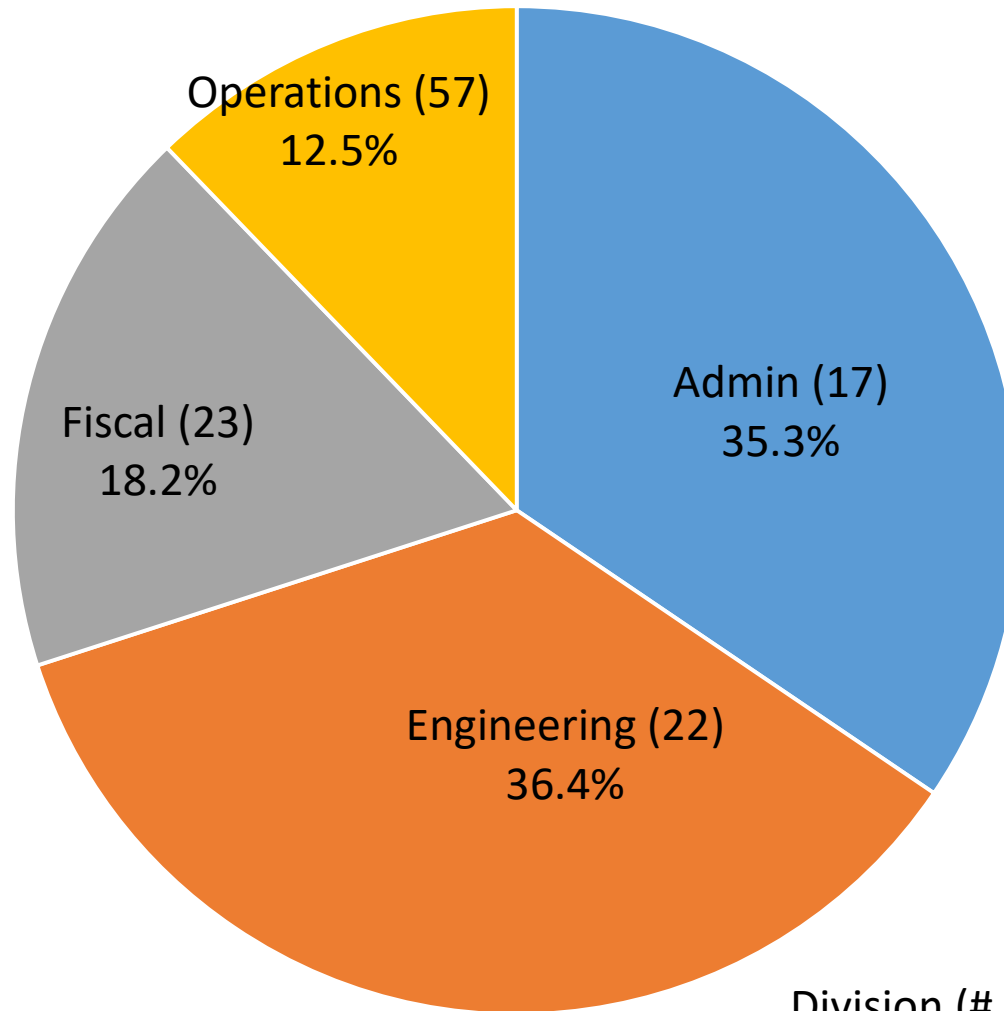
None.

**PERSONNEL MATTERS**

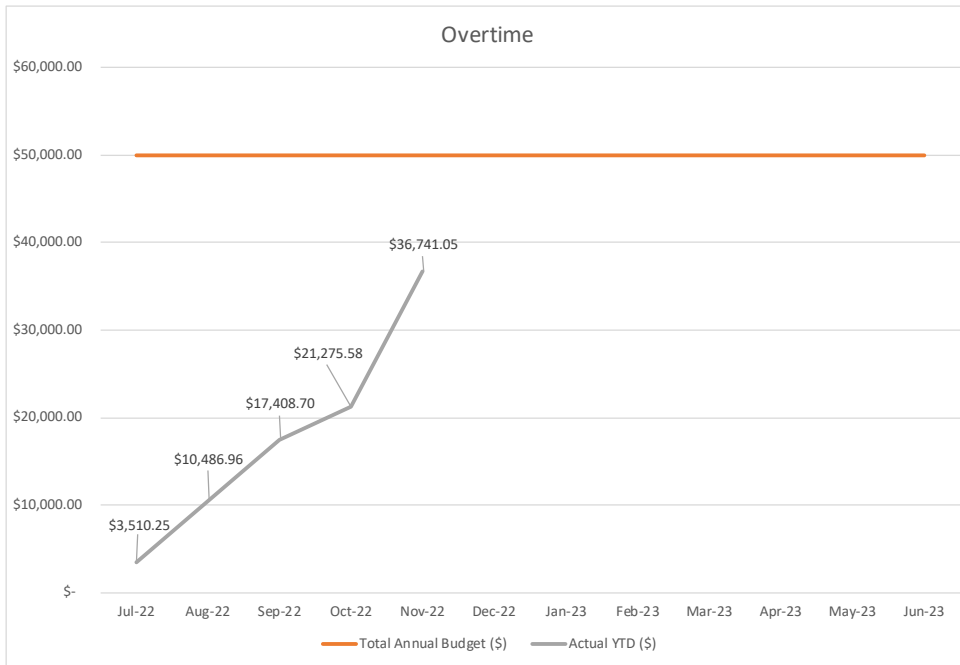
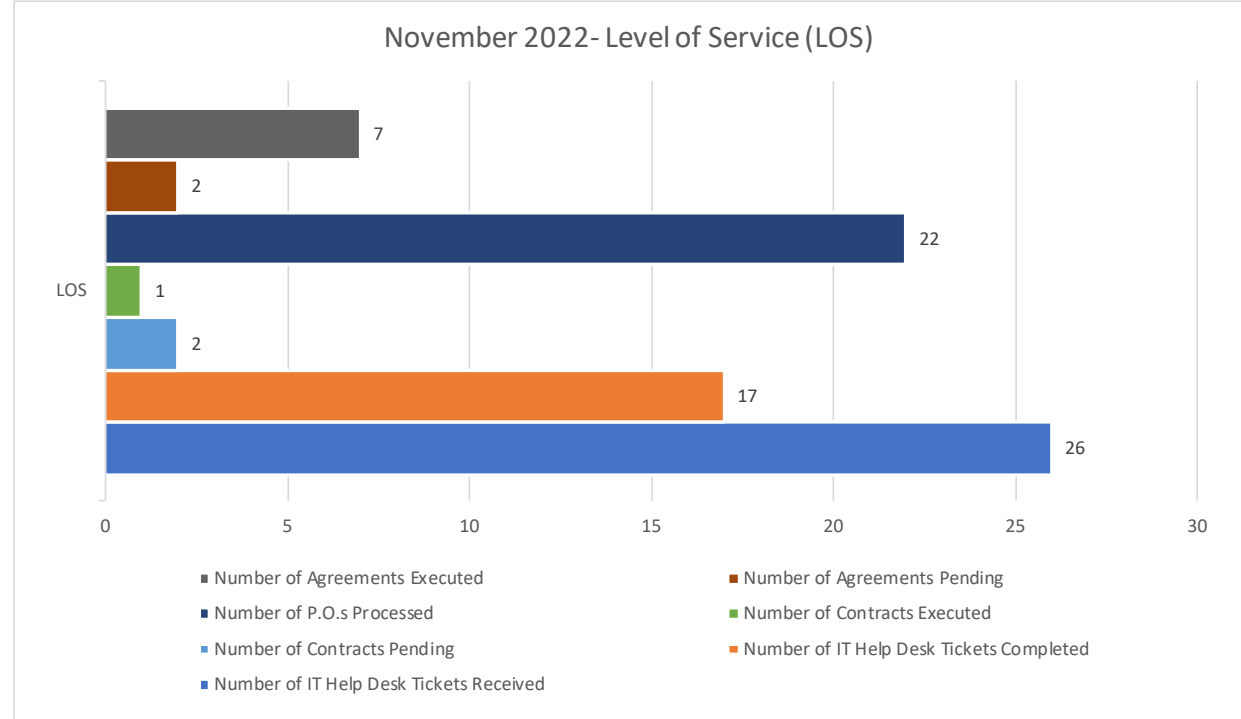
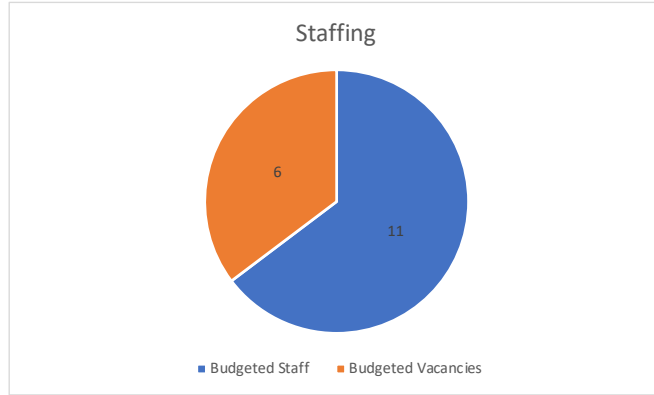
Please see attached.

Attachments: Personnel Matters Chart  
Monthly Division Dashboards

## % Vacancy Within Each Division Level



# ADMINISTRATION DASHBOARD



**“Please tell Chris and his crew, Darren and Selwyn how much I appreciate their aloha. They were a blessing!”**  
*-Watkins, Kalaheo resident*

**“Thank you for all the work you’ve done. We really appreciate it. We were so happy we almost threw a party when the water came back on!”**  
*-Kennelly, Wainiha resident*



# ADMINISTRATION

	Oct-22		Nov-22		Previous FY YTD		Current FY YTD	
<b>STAFFING</b>								
Budgeted Staff vs Vacancies (Admin-HR-IT-PR)	12	5	11	6			11	6
<b>OVERTIME</b>								
Budget (\$) vs Actual (\$)	\$ 4,166.67	\$ 3,866.88	\$ 4,166.67	\$ 15,465.47			\$ 20,833.33	\$ 36,741.05

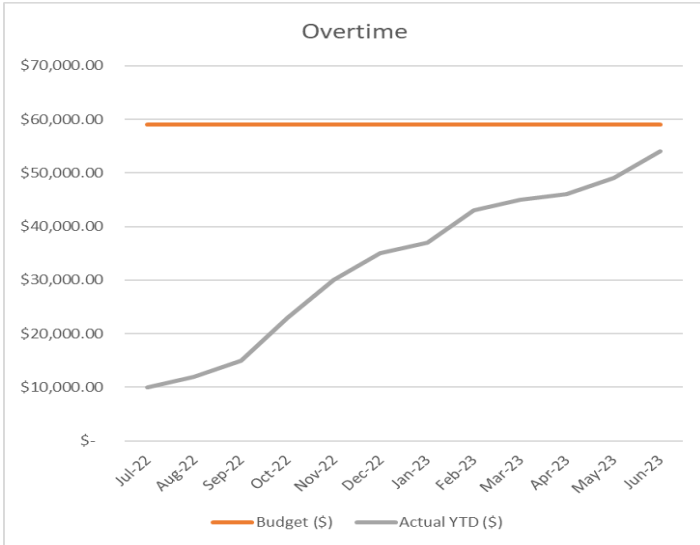
	Oct-22		Nov-22		Previous FY YTD		Current FY YTD	
<b>LEVEL OF SERVICES</b>								
# of IT Help Desk Tickets Received   Completed	26	18	26	17			52	35
# of Legal Claims Outstanding   Resolved	0	0	0	0			0	0
# of Contracts Pending   Executed	0	0	2	1			2	1
# of Purchase Orders Processed	0		22				22	
# of Agreements Pending   Executed	0	0	2	7			2	7
# of MOU   MOA Pending	0	0	0	1			0	1
# of MOU   MOA Executed	0	0	0	0				
# of Customer Remarks	0		1				1	
# of Customer Compliments	0		2				2	

Note: DOW Dashboard data tracking started November 2022



# ENGINEERING DASHBOARD

REVISED DRAFT SAMPLE



	Last Month	Current Month	Previous FY Year to Date	Current FY Year to Date
<b>STAFFING</b>				
Budgeted Staff (\$) vs Vacancies (\$)	15	7	15	7
Professional Services: Total \$ Amount   % of Division Budget	\$ -	0%	\$ -	0%
<b>OVERTIME</b>				
Budget (\$)   Actual (\$)	\$4,916.67	\$4,853.40	\$4,916.67	\$7,306.70
			\$24,583.33	\$31,509.73

	Last Month	Current Month	Previous FY Year to Date	Current FY Year to Date		
<b>PROJECT MANAGEMENT</b>						
# of DOW Projects in Design   In Construction	0	0	5	3		
# of DOW Projects completed	0	0		0		
# of Private Projects in Design   Design Approved   In construction	0	0	0	48	48	13
# of Private Projects Construction Completed	0	0	21	21		

Average response time **YOUR INFO HERE**

**2** business days

**ENTER TITLE HERE**

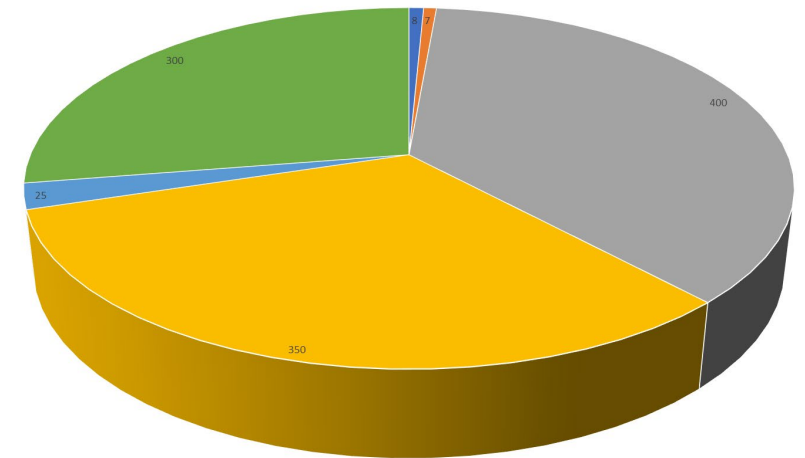
Previous Year	Current Month	Year To Date
3	0	13
<b>Pending Resolution</b>		<b>Resolved</b>
0	0	2

# ENGINEERING

REVISED DRAFT SAMPLE

	Last Month		Current Month		Previous FY Year to Date	Current FY Year to Date
<b>LEVEL OF SERVICE</b>						
<b>Number of Customer Requests Received   Completed by Type</b>						
Subdivision Applications, Zoning, Land Use and Variance Permits	0	0	0	33		0 33
ADU/ARU Clearance Applications	9	9	2	2		11 11
Building Permits	0	163	97	109		97 792
Water Service Requests	0	0	18	18		18 18
Government Records Request	0	0	1	1		1 1
Backflow Inspection # of Devices Tested	93		109			326
<b>Average Response Time to Customer Requests by Type (Days)</b>						
ADU/ARU Clearance Applications	0		0			0
Building Permits	0		0			0
Water Service Requests	0		0			0

Current Month- Level of Service

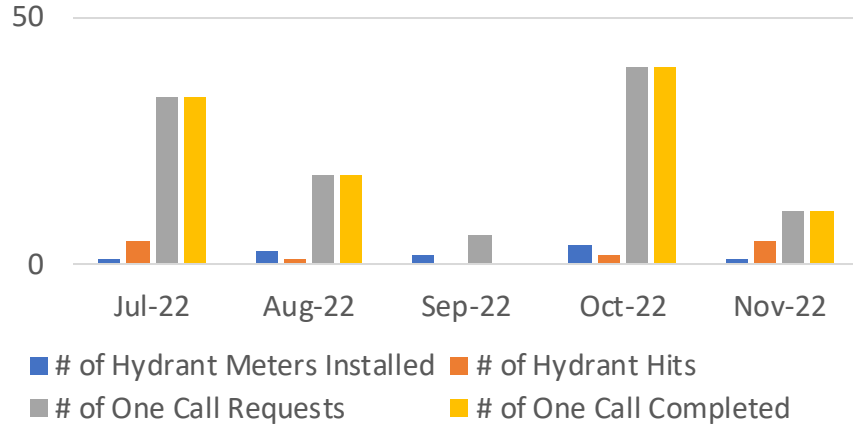


- Subdivision Applications Received
- Subdivision Applications Completed
- Building Permits Received
- Building Permits Completed
- Water Service Requests Received
- Backflow Inspection- Number of Tested Devices

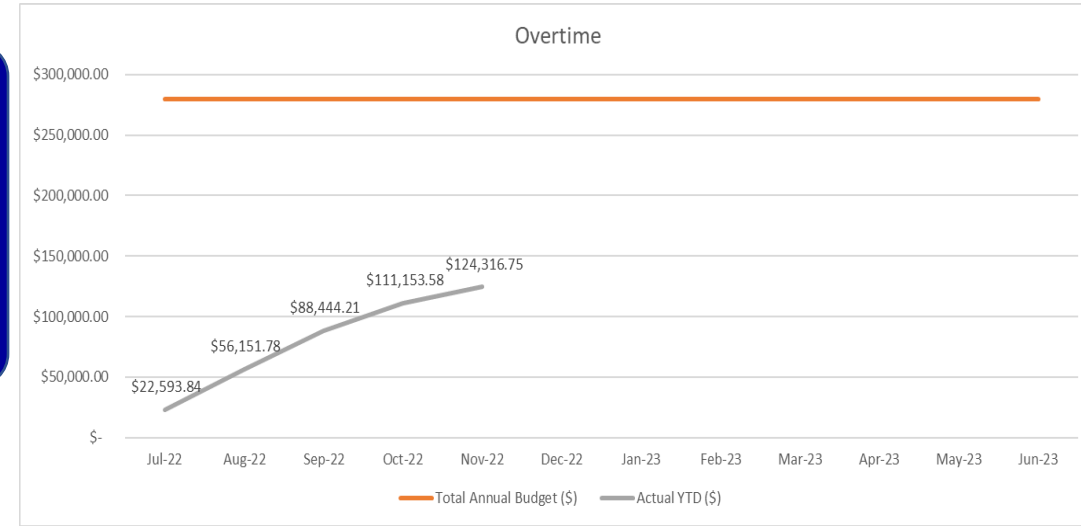


# OPERATIONS DASHBOARD

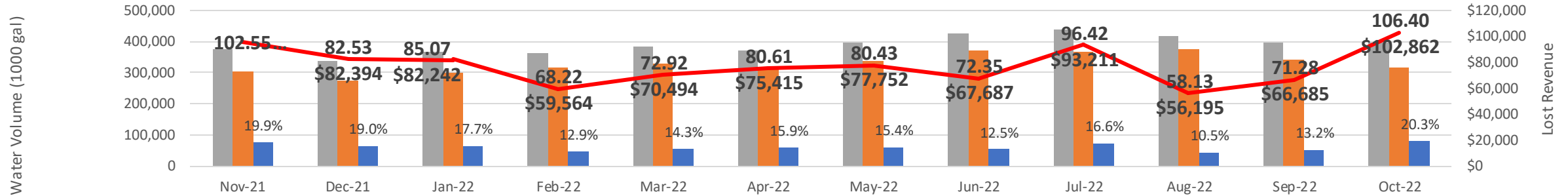
## Level of Service



  
**BUSINESS DAYS IN  
NOVEMBER**  
19



## Monthly Water Audit November 2021 - October 2022



	Nov-21	Dec-21	Jan-22	Feb-22	Mar-22	Apr-22	May-22	Jun-22	Jul-22	Aug-22	Sep-22	Oct-22
Produced	376,586	338,739	364,525	361,076	385,067	370,322	396,641	425,598	439,498	418,076	395,404	397,481
Customer Meter Read	301,460	274,217	300,122	314,433	329,864	311,266	335,754	372,593	366,506	374,070	343,184	316,931
Waterloss	75,126	64,522	64,403	46,643	55,203	59,056	60,887	53,005	72,992	44,006	52,220	80,550
Waterloss	\$95,936	\$82,394	\$82,242	\$59,564	\$70,494	\$75,415	\$77,752	\$67,687	\$93,211	\$56,195	\$66,685	\$102,862



# OPERATIONS

	October		November		Previous FY Year to Date		Current FY Year to Date	
<b>STAFFING</b>								
Budgeted Staff   Vacancies	57	9	57	7	57	7	57	7
<b>OVERTIME</b>								
Budget (\$)   Actual (\$)	23,283.33	22,709.37	23,283.33	13,163.17	254,000		279,400	124,316.75
<b>FLEET MANAGEMENT</b>								
# of Vehicles Active per day			35					
# of Vehicles Active per month			35					
<b>METER PROGRAM</b>								
# of Existing Meters Replaced	4		2		19		18	
# of Existing Meters Repaired	23		18		514		165	
# of New Meters Installed	13		6		108		56	
# of New Laterals Installed	6		2		20		14	

# OPERATIONS

## LEVEL OF SERVICES

	October		November		FY2022 July-Nov		FY2023 YTD	
# of Work Orders Initiated	138		172		805		891	
# of Work Orders Completed	124		163		794		866	
# of Mainline Leak Repairs	11		12		42		42	
# of Service Lateral Leak Repairs	13		11		33		45	
# of Calls for Service	210		212		991		1052	
# of Temporary Hydrant Meters Installed	4		1		8		10	
# One Call Request Received   Completed	40	40	11	11	143	143	110	110
# of Auto Shop Requests Received   Completed	43	39	28	23			201	186
# of Hydrant Hits	2		5		12		13	

## WATER AUDIT

	Last Month	Current Month	FY2022 FY YTD	FY2023 FY YTD
Water Produced (Million Gallons)	395.404	397.481	2,064.265	2,076.057
Customer Meter Reading (Million Gallons)	343.184	316.931	1,717.085	1,773.281
Water Loss (Million Gallons)	52.220	80.55	347.18	302.773
Water Loss %	13.2	20.3	16.82	14.62
Water Loss \$	66,685	102,862	443,350	283,778

**PLACEHOLDER**

**Dashboard Board Report – FISCAL – November 2022**