

Committee Meetings

August 14, 2008

Board present: Roy Oyama, Ian Costa, Steven Kyono, and Randy Nishimura. Absent & excused: Dee Crowell, Donald Fujimoto and Leland Kahawai

Staff present: Wynne Ushigome, Paul Ganaden, Gregg Fujikawa, William Eddy, Keith Fujimoto, Bruce Inouye, Faith Shiramizu, Amy Esaki, Edward Doi, Dustin Moises. Absent & excused: First Deputy County Attorney Harrison Kawate.

FINANCE COMMITTEE MEETING:

Finance Committee Chair Steven Kyono called the Finance Committee Meeting to order at 1:25 p.m.

Re: Claims Payable:

WATER UTILITY FUND:	\$1,257,733.10
BOND FUND:	\$ -0-
FRC FUND:.....	\$ 57,330.51
STATE FUND:	\$ -0-
TOTAL	<u>\$1,315,063.61</u>

Mr. Costa moved that the claims be approved for payment, seconded by Mr. Oyama; motion was carried.

The Finance Committee Meeting was duly adjourned at 1:27 p.m.

RULES COMMITTEE MEETING:

Re: Update on Proposed Amendments to the Rules and Water System Standards, as Amended, of the Board of Water Supply, County of Kaua'i, State of Hawai'i and the Public Hearing Results

The following report was submitted by the Rules Committee:

It was reported that the Rules Committee and the full Board approved the proposed rule amendment at the Board Meetings on Thursday, June 5, 2008.

1. Correction of the Recent Amendment to the DOW's Rules and Regulations and 2002 Water System Standards, as amended

Upon review of the recently adopted rule amendment, we noticed an error in the finalized version of amendment document. Inadvertently, the proposed language relating to Alternative methodology for satisfying fire protection requirements for non-residential structures did not appear on the certified copy of the amendment.

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The affected section of the amendment to the 2002 Water System Standards that needed to be incorporated into the finalized version of the document is the Annotations to Table 100-19A, subparagraph(C).

- Instead of may [reject] the applicant's fire mitigation measures, the Fire Chief now may approve the sufficiency of the applicant's measures no later than one hundred twenty (120) day from the date that the Chief has determined, in writing, that the applicant has submitted a complete written analysis to him. (***If "no action" was taken within the 120-day time frame, the applicant would receive an automatic approval.***)
- The basis for the Chief's approval of an applicant's proposed mitigation measures has been clarified; an applicant's measures may be approved [rejected] if they are [in]sufficient relative to the structures to be built on the lot, or the uses which will occur in conjunction with the proposed structures.
- In assessing the sufficiency of an applicant's measures, the Chief may also consider the impact of any potential on-site fire on surrounding off-site structures and uses.

There are no substantive changes to this subparagraph, essentially the wrong version of the amendment was transmitted to SBRRB through the rule making process. The inadvertent mix-up only affected the alternative methodology for fire protection revisions and the resulting action only addressed deleting the sunset provision from the Standards.

Upon receiving the Board's approval, we will be submitting to the following rule amendment documents to SBRRB for review:

- A. Amendments to the Rules and Regulations and Water System Standard 2002 of the Board of Water Supply, County of Kaua'i, State of Hawai'i, and;
- B. Small Business Impact Determination and Statement for Proposed Amendment of Rules and Water System Standard 2002 of the Board of Water Supply, County of Kaua'i.

A public hearing for the Amendment of Rules and Water System Standards is tentatively scheduled for Thursday, October 9, 2008 immediately before the our Board meeting. In order hold a public hearing on October 9th, the Department needs to provide a 30-day notice prior to the meeting date, therefore, the deadline to publish the "Notice of Public Hearing" is September 9, 2008.

2. Modification or Waiver of Requirements

At the July 15, 2008 Board Meeting Board Member Randy Nishimura agreed to oversee the upcoming proposed rule amendment and is in the process of doing preliminary background research to document the Board's ability to grant deviations from the County standards.

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3. Discussion on Adding a Reconsideration Provision in the DOW Rules and Regulations

The Department of Water's Rules do not contain provisions, which identifies and states the process by which the Board can enter a motion for reconsideration; therefore, we have drafted the following language to that effect.

Part 1 of the Rules will be amended by adding Section VII – RECONSIDERATION as follows:
When a motion has been made and carried in the affirmative or negative, only a member who voted with the majority may move, at the same meeting or at the next regular meeting to reconsider it and such motion shall take precedence over all questions except a motion to adjourn.

Enclosed for the Board's review are the proposed amendment, Small Business Impact Determination and Statement for Proposed Amendment of Rules and Water System Standard 2002, as amended, of the Board of Water Supply, County of Kaua'i.

The Rules Committee referred this matter to the full Board for their approval to go to public hearing.

There being no other business, the Committee Meetings were duly adjourned at about 1:30 p.m.

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