MEETING MINUTES
BOARD OF WATER SUPPLY
Thursday, December 18, 2014

The Board of Water Supply, County of Kaua‘i, met in regular meeting at the Board Conference Room in Lihu‘e on Thursday, December 18, 2014. Chair Nakaya called the meeting to order at 10:01 a.m. The following Board members were present:

BOARD: Mr. Clyde Nakaya, Chairperson
       Mr. Sherman Shiraishi, Vice Chair
       Ms. Laurie Ho
       Mr. Raymond McCormick
       Mr. Larry Dill

EXCUSED: Mr. Hugh Strom
         Mr. Michael Dahilig

Quorum was achieved with 5 members present at the time of roll call.

STAFF: Mr. Kirk Saiki
        Mr. Val Reyna
        Ms. Marites Yano
        Mr. Dustin Moises
        Mr. Keith Aoki
        Mr. Eddie Doi
        Ms. Regina Flores
        Ms. Kim Tamaoka
        Ms. Mary-jane Akuna
        Deputy County Attorney, Andrea Suzuki

GUESTS: Mr. Hall Parrott, Private Citizen

ACCEPTANCE OF AGENDA
Ms. Ho moved to approve the rearrangement of the Agenda as ordered by Chair Nakaya to move New Business Item III- Resolution 15-06 Farewell to Edwin T. N. Ramos (Retiree) Automotive Mechanic I, Operations Division as the first item and the Executive Session items as the second item of business; seconded by Mr. McCormick; with no objections, motion carried with 5 ayes.

H. NEW BUSINESS
1. Resolution 15-06 Farewell to Edwin T. N. Ramos (Retiree) Automotive Mechanic I, Operations Division

Manager Saiki read Edwin T. N. “Shapa” Ramos retirement Resolution 15-06 followed by a photo op with the Board members. “Shapa” was congratulated by the Board members and staff.

Resolution 15-06 was approved by the Board with no objections.

Chair Nakaya read the Executives Session language as follows:
EXECUTIVE SESSION

1. Pursuant to Hawai‘i Revised Statutes (HRS) Section 92-4, 92-5(a)(4), the purpose of this executive session is to review executive session minutes from the Special Board Meeting dated November 10, 2014. This consultation involves the consideration of the powers, duties, privileges, immunities, and/or liabilities of the Board and the Department as they relate to this agenda item. (Correct date is November 10th not 20th, amended in Executive Session.)

2. Pursuant to Hawai‘i Revised Statutes (HRS) Section 92-4, 92-5(a)(4), the purpose of this executive session is to review executive session minutes from the Special Board Meeting dated December 3, 2014. This consultation involves the consideration of the powers, duties, privileges, immunities, and/or liabilities of the Board and the Department as they relate to this agenda item. (Reviewed in Executive Session.)

3. Pursuant to Hawai‘i Revised Statutes Sections 92-4, 92-5(a)(2) and 92-5(a)(4), the purpose of this executive session is to discuss the details of the hiring of the Department of Water, County of Kaua‘i’s Manager and Chief Engineer; matters affecting privacy will be involved, however if an applicant requests an open meeting, an open meeting shall be held. The further purpose of this executive session is to meet with the Board’s legal counsel on questions and issues relating to the Board’s powers, duties, privileges and immunities and/or liabilities, claims and/or potential claims, and to take such action as the Board deems appropriate.

Mr. Dill moved to go into Executive Session at 10:12 a.m.; seconded by Mr. Shiraishi; with no objections, motion carried with 5 ayes at Roll Call (LH, RM, SS, LD, CN).

At 10:27 a.m., Chair Nakaya called the Regular Board Meeting back to order.

MEETING MINUTES

Review and approval:
Regular Board Meeting – October 23, 2014

Mr. Shiraishi moved to approve the Regular Board Meeting minutes of October 23, 2014 as amended; seconded by Mr. McCormick; with no objections, motion carried with 5 ayes. (Refer to final minutes on file.)

Regular Board Meeting – November 20, 2014
Mr. Shiraishi moved to approve the Regular Board Meeting minutes of November 20, 2014; seconded by Mr. McCormick; with no objections, motion carried with 5 ayes.

Mr. Shiraishi moved to approve the Special Board Meeting minutes of December 3, 2014; seconded by Mr. McCormick; with no objections, motion carried with 5 ayes.

Review and approval of Executive Session:
Special Board Meeting - November 10, 2014 (review of the minutes was held in Executive Session)
Special Board Meeting – December 3, 2014 (review of the minutes was held in Executive Session)

E. CORRESPONDENCE/ANNOUNCEMENTS
None

F. BOARD COMMITTEE REPORT
None
G. OLD BUSINESS


BACKGROUND:
Manager Saiki reported the Department has developed a method of charging for 6- and 8-inch meters and met with Finance Chair, Mr. Dill on Tuesday, December 16, 2014 to present method of charging for larger meters. A follow up meeting with Mr. Dill is scheduled for Wednesday, December 24, 2014 at 10:00 a.m. to discuss Mr. Dill’s comments on the method of charging for larger meters.

DISCUSSION:
In reference to timeline, Manager Saiki stated the new Facilities Reserve Charges are close to completion. Manager Saiki will work on the Rule’s language next. When the draft Rule is completed, it will be submitted to the Board’s Finance Committee for review and comment. When the Board’s Finance Committee approves the draft Rule and the Board approves the draft Facilities Reserve Charge Rule changes, it will be submitted to the Small Business Regulatory Review Board (SBRRB) for their review and comment. If there are no comments from the SBRRB, the Department will hold a Public Hearing to receive comments on the draft Facilities Reserve Charge Rule changes. Final Facilities Reserve Charge Rule could be sent to the Board for approval as early as April or May of 2015. Department will attempt to have the Final Rule approved before the next fiscal year.

Mr. Dill moved to receive Manager’s Report No. 14-16 Part 4 Fixing Rates for Water Service, Section VII Facilities Reserve Charge Update; seconded by Mr. McCormick; with no objections, motion carried with 5 ayes.

2. Election of Officers for 2015

Ms. Ho nominated Sherman Shiraishi as Chair; seconded by Mr. McCormick; with no objections, motion carried by 5 ayes.

Mr. Shiraishi nominated Clyde Nakaya as Vice Chair; seconded by Ms. Ho; with no objections, motion carried by 5 ayes.

Mr. Shiraishi nominated Laurie Ho as Secretary; seconded by Mr. McCormick; with no objections, motion carried by 5 ayes.

Chair Nakaya wished to maintain the same Board members on the following committees. He re-appointed:

Rules Committee:
Michael Dahilig, Rules Chair
Ray McCormick
Sherman Shiraishi

Finance Committee:
Larry Dill, Finance Chair
Laurie Ho
Hugh Strom

3. Manager’s Report No. 15-19 - Request Board approval for Maka Ridge Facilities Rehabilitation Plan & Princeville Interconnection Plan to indemnify and hold harmless, the Department of Public Works County of Kaua’i (DPW) and the County of Kaua’i from all liability related to DPW signing of Building Permit No. 11-1330 for Job No. 02-17, Water Plan 2020 #H-01, #H-02, #H-03

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BACKGROUND:
Manager Saiki recommended the Board approve the request to indemnify and hold harmless, the Department of Public Works County of Kaua‘i (DPW) and the County of Kaua‘i from all liability related to DPW signing of Building Permit No. 11-1330 for Job No. 02-17, Water Plan 2020 #H-01, #H-02, #H-03.

The Maka Ridge project is basically complete and the contractor was provided final signoffs of the permits. During the close out of the project, the Department of Water (DOW) discovered the contractor, MEI, did not notify DPW for the required inspections. From reviewing the DPW inspector’s written reports and interviewing the previous DPW inspector, the Department is comfortable the construction was done properly.

DISCUSSION:
Mr. Shiraishi inquired if MEI was to arrange the inspections. Manager Saiki indicated that it is the contractor’s responsibility to arrange for inspections, and the Department is going to receive an extended warranty for the building, but was unsure if it is final.

Mr. Dill added DPW cannot issue a Certificate of Occupancy because the appropriate steps were not taken with regards to inspections. In order for DPW to issue a Certificate of Occupancy, the Department would ask the contractor to tear down and/or open walls to see if the design requirements were met. Mr. Dill stated that there could be a liability with respect to building failure or loss of life and limb. The contractor has the responsibility to call for inspection but the Department, through construction management, also needed to make sure the project fulfilled the prescribed building requirements before payments were issued. Mr. Dill asked the Department for assurance that steps are in place for protection in this matter. To clarify, the DPW did not do the required inspections because they were not notified by the contractor for inspection.

Mr. Shiraishi is looking for indemnity from DOW in favor of DPW and indemnity for DOW from MEI and an extended warranty from MEI.

Mr. Dill would expect the Department to ask the contractor to undo the work they did, so that DPW can do the inspection.

Manager Saiki stated that without the Certificate of Occupancy, the facility cannot be used. The Department’s operators are not supposed to go inside the building which house pump controls. The building is almost complete. Deputy County Attorney, Andrea Suzuki, advised the Department get the MEI warranty. The contractor still has to close the project. If the Department grants the indemnification to DPW, it would mean DPW is not responsible for the construction of the building and DPW can sign the Certificate of Occupancy. The Department has leverage on the contractor to provide the warranty since the project has not been closed and final payment is not made yet.

From the Board’s perspective, Mr. Dill is okay with the recommendation but wants to make sure DOW is protected with indemnification from the contractor.

Waterworks Controller, Ms. Yano provided the contract amount of $2.5M with $9,000 unpaid (retention is 5%).

Mr. Dill suggested if DOW can get the Certificate of Occupancy from DPW, then the contract would be fulfilled. The indemnification could be done and the project can be closed.
Mr. Shiraishi moved to defer Manager’s Report No. 15-19 for one month to 1) allow the Department to get an indemnification from MEI and an extended warranty, and 2) for the Department to provide procedures so this matter is not repeated in the future; seconded by Mr. Dill; with no objections; motion carried with 5 ayes.

* Discussion continued when Construction Management Officer, Mr. Moises, returned to Board meeting. Mr. Moises explained the indemnity. The contractor gave the Department a 10 year warranty and DPW provided an indemnity clause. Mr. Moises asked Deputy County Attorney, Andrea Suzuki if the contractor should indemnify the Department at the same time; the Department did not ask for an indemnification.

The valuation was $100,000; unbilled portion is over $200,000; retention is 5% of $200,000 is $54,000 which would be retained for damages (from September to December).

Mr. Moises said he will meet with MEI to close out the contract on December 30th.

Mr. Dill asked Deputy County Attorney, Andrea Suzuki (via phone), her recommendation regarding the matter of getting the Certification of Occupancy from DPW. Since the contractor did not request for an inspection of the building, the contractor should step up and indemnify the DOW which she had no problem with. Deputy County Attorney, Andrea Suzuki confirmed the contractor provided a warranty.

Mr. Dill recommended the Department indemnify DPW when the indemnification is received from the contractor. It is the duty of the contractor to get the inspections done as per the contract. Mr. Dill is okay with the warranty because there is minimal risk.

Mr. Moises clarified the building is for a chlorine booster pump (size 10ft x10ft).

Mr. Shiraishi moved to reconsider the motion to defer the Manager’s Report No. 15-19; seconded by Mr. Dill; with no objections, motion carried with 5 ayes.

Mr. Dill moved to approve Manager’s Report No. 15-19 - Request Board approval for Maka Ridge Facilities Rehabilitation Plan & Princeville Interconnection Plan to indemnify and hold harmless, the Department of Public Works County of Kaua‘i (DPW) and the County of Kaua‘i from all liability related to DPW signing of Building Permit No. 11-1330 for Job No. 02-17, Water Plan 2020 #H-01, #H-02, #H-03; seconded by Ms. Ho; with no objections, motion carried with 4 ayes and 1 nay (SS).

4. Discussion and review of the Manager and Chief Engineer’s goals and responsibilities for January 2015 – June 2015

Mr. Shiraishi moved to Receive for the Record the handout, Manager’s Report No. 14-55 dated May 22, 2014 regarding the FY 14/15 Goals / Annual Evaluation for the Acting Manager and Chief Engineer and Goals for the Manager and Chief Engineer FY 2013-14 – Results to Date; seconded by Mr. Dill; with no objections, motion carried with 5 ayes.

At 10:59 a.m., Board Chair Nakaya called for a recess.

At 11:07 a.m., Board Chair reconvened the Regular Board Meeting.

DISCUSSION:
The Board discussed and agreed on the following goals for Manager Saiki:

1. Complete Facilities Reserve Charge (FRC) effective July 1, 2015.
2. Complete and pass the American Water Works Association (AWWA) Distance Learning Certificate Program courses one (1) year from enrollment. Enrollment must be within 30 days from December 18, 2014.

3. Complete the Sustainable Management of Rural and Small Systems Workshop sponsored by the United States Geological Survey (USGS), Hawai’i Rural Water Association one day workshop on January 20, 2015. (Manager is already registered to attend.)

4. Pending details on how to apply for the State Management Mentoring Grant. (Chair will consult with Mr. Strom, as this was Mr. Strom’s suggestion).

5. Provide clear Manager Reports to the Board, including background, options and recommendations.

6. Provide Manager’s Reports to the Board by the Friday prior to the Agenda meeting with the exception of the financial reports, which will be provided at the time of posting.

7. Respond to grievances within 30 days.

8. Establish monthly reports for non-revenue water. (Provide water pumped & water sold.)

9. Based upon current funding, by May 2015, provide timetable to complete the basic GIS model.

10. Obtain Human Resources (HR) / Department of Personnel Services (DPS) approval for current Table of Organization. Minimize changes on the Table of Organization.

11. Recommend top projects by January 22, 2015 Board meeting as listed.
   - Department will refer to the Build America Bond and FRC lists for discussion first on when the projects could be completed.
   - Target projects in Design and Construction which will be discussed with the Board on which projects will be prioritized.

   a) 10 Source Projects - Include justification for 10 source projects for generating non-revenue and FRC revenue.
   b) 5 Storage Projects.
   c) 10 Transmission Projects.
   d) 30 Distribution/Replacement Projects.
   e) Cost Savings/Demand Reduction Projects.

12. Deferred – Complete design of top 10 projects by the end of FY 2014-15. (Based on #11.)

Mr. Dill moved to approve the Manager and Chief Engineer’s goals and responsibilities for January 2015 – June 2015; seconded by Ms. Ho; with no objections, motion carried with 5 ayes.

The Manager’s goals will include updates in the Manager’s Report at every monthly Board meeting.

I. **STAFF REPORTS**
   **MONTHLY**

   1. Discussion and Receipt of the Kaua‘i County Water Department’s Statement of Revenues and Expenditures

**BACKGROUND:**
The October Budget Summary was not discussed but Ms. Yano highlighted the November Budget as follows:

- Cumulative Water Sales Revenue up by 3%.
- Total Revenue down 15%. No recorded receipts from the following:
  - Revenue from Public Fire Protection, a onetime year-end entry.

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Federal & State Grants ($2M from State Revolving Fund (SRF) loans/new building; $1.3M for the Kilauea project).

- Operating expenses is $7.7M.

The budget summary format was changed and approved by working with Mr. Dill. The three (3) sections on the summary are: Descriptions, Month Column, and Year-To-Date (YTD) the last four (4) columns.

The variance was calculated in two (2) different ways: 1) Revenue was calculated using actual collections less YTD budget. If there is a positive percentage on the variance, it indicates the Department is collecting over what is budgeted. 2) On the Expenses portion, the variance was calculated using YTD budget less actual expenses. If there is a positive number, the Department is spending within the budget. A negative number indicates that the Department is over spending.

The net operating income before depreciation is $5.7M or 50% over projection. There is another net operating income after depreciation and amortization. This was separated because the depreciation and amortization is a non-cash expenditure. There is a $3.4M net operating income in the YTD.

An article from AWWA entitled “How Do We Meet the Challenge of Aging Infrastructure?” was included in the Board packet. The article discussed declining water consumption nationwide and how this is affecting the DOW.

DISCUSSION:
Mr. Dill thanked Ms. Yano for working together with him on the budget summary. He pointed out two (2) important items 1) to be consistent with the County Finance expense reports and 2) if actual revenues exceed the budget revenues, a positive number is good. If actual expenses are less than budgeted expenses then the variance number would be positive which is consistent in this report. All cash expenses are “above the line” for the first quarter of net operating income; the first net operating brackets lost before depreciating and amortization. The depreciation and amortization of $2.4M was not included in the budget. The Department may reconsider this in the budget for next year and to also track budgeted items. The budget is a work in progress and the Board agreed it is easier to read.

Ms. Yano explained the current rate for FRC is what’s being used with a collection of $152,000. The YTD Revenue from Public Fire Protection ($829,000) will be recorded at the end of the year as non-cash revenue and is calculated using the number of fire hydrants that are being maintained and serviced by DOW. The Department records a contra expenditure for the same revenue amount the DOW bills the County for the services the County provides to the Department. Revenue is recorded as the same amount as expenses.

The Federal grant of $2M from the SRF loan is still zero collections but the Department will start cashing out once the Department starts paying the construction costs of the new building project. Any construction payment will be submitted to the State Department of Health (DOH) for reimbursements; that’s when the grant proceeds will start coming in.

Chair Nakaya asked how would the Department address the short fall of the FRC revenue which is under budget in order to meet the budget.

Mr. Dill commented the overall expenses are down from what was budgeted and FRC fund need to be managed. The actual operating income is $5.7M vs. a budgeted $3.8M. The water sales are 3% ahead of budget. Consumption is down that is offsetting the increase with the Department breaking even.
Chair Nakaya commented a big negative is under Compensated Annual Sick Leave that shows it is over budget. Ms. Yano clarified that Vacation & Sick Leave is budgeted under the Salaries & Wages - $2.1M is the Revised YTD Budget, $1.4M is YTD Actual and the Variance is $750,000.

Ms. Yano could make a journal entry every month on the YTD actual expenses for Vacation & Sick Leave that could be transferred from Salaries & Wages. This would be shown under Compensated Vacation & Sick Leave. This would increase the budgeted Compensated Vacation & Sick Leave and decrease the Salaries and Wages by the corresponding amount.

Mr. Dill moved to receive the Kaua‘i County Water Department’s Statement of Revenues and Expenditures report; seconded by Ms. Ho; with no objections; motion carried with 5 ayes.

2. Discussion and Receipt of the Report by the Public Relations Specialist on Public Relations Activities

Mr. Shiraishi moved to receive the Report by the Public Relations Specialist on Public Relations Activities; seconded by Mr. McCormick; with no objections; motion carried with 5 ayes.

3. Discussion and Receipt of the Chief of Operation’s Summary Report on Operational Activities

BACKGROUND:
Chief of Operations, Mr. Reyna highlighted the inclusion of unbilled consumption for the Kekaha-Waimea subsystem. There were challenges in completing unbilled consumption in last month’s report due to five (5) billing districts (in Kekaha, Waimea, and Hanapēpē). Mr. Reyna requested a report by zip codes from the Honolulu Board of Water Supply. The first challenge of the report was to delineate Hanapēpē residents by zip code and water usage and 141,795 gallons was billed; production was 1.07M gallons per day.

Unbilled from produced water is 13% for the Waimea-Kekaha water system. Based on current Standard Operation Procedures (SOPs) 15% is considered excessive. Operations Division is using the AWWA standard for non-revenue water.

Hā‘ena and Wainiha do not have individual zip codes but use Hanalei’s zip code. The challenge will be to identify active customers on the water system because Wainiha and Hanalei have two separate water systems.

DISCUSSION:
Mr. Dill stated the Department should follow the AWWA guidelines and develop unbilled water reports. If there was a major leak, an island wide number would not help.

At 12:25 p.m., Chair Nakaya suspended the rules to hear testimony.

Mr. Hall Parrott, private citizen provided his testimony.

Mr. Hall Parrott worked extensively with GIS and once it is set up, it will be easy to obtain the water system numbers.

Chair Nakaya thanked Mr. Parrott for his testimony.

Manager Saiki was not concerned with the production because the data is accessible. The data for the billing side is not readily accessible.
Mr. Shiraishi reminded the Department that they were going to provide a report first on a system basis then to develop on an island-wide basis.

**Mr. Reyna will follow up on the following:**
- Research AWWA standards and recommendations for non-revenue water.
- Provide an annual report per water system or an island wide water system audit.
- Identify water going out and not being billed and to show a snapshot of actual water used.
- Automate the report in the future.
- Mr. Dill requested a monthly report on every water system.
- A (six) 6-month report on one subsystem would be provided at each Board meeting.

Mr. Shiraishi moved to receive the Chief of Operation’s Summary Report on Operational Activities; seconded by Mr. Dill; with no objections; motion carried with 5 ayes.

4. **Discussion and Receipt of the Manager and Chief Engineer’s Monthly Update Regarding Activities of Note for the DOW**

**BACKGROUND:**
Manager Saiki highlighted the following:


The Department is requesting the Board submit a letter to the County of Kaua‘i Council and Mayor of Kaua‘i to officially transfer the adjacent property parcel N-1-A which is TMK: (4) 3-8-05:27 to DOW to accommodate the subject project now that final subdivision approval has been attained and construction will soon begin. The Department is requesting signature on the letters for the transfer request at this meeting.

2) **Affordable Housing Update – Lima Ola Project Update** - The Department will approve the water demands and Water Master Plan for the County affordable housing phase 1. All subsequent phases would be evaluated in the future. Manager Saiki indicated there is adequate water for this project.

The Department will be meeting with Mr. Tom Shigemoto of A&B because the A&B project is similar to the Lima Ola Project. When A&B was rezoned, there was a stipulation that their project needed to include affordable housing.

**DISCUSSION:**
Mr. Dill commended the Department on their decision and asked if their future discretion will be on a case-by-case basis? Is the Department working on a policy for consistency in the future? With another request from A&B, how will the Department make a determination?

Manager Saiki noted the Department does not have a written policy regarding water demands outside the service area. In the past, the Department could say “no” if the project was outside the service area.

Mr. Dill suggested the Department provide a written policy regarding water demands outside the service area.

3) **Contract Extension for Contract No. 583 Honolulu Ford, Inc.** – was identified as a Ford 150 model truck.
Chair Nakaya inquired about the status of the bypass pipe in Kālāheo. Mr. Reyna explained Operations is working with the State to remove the bypass pipe on the right of way.

Ms. Ho moved to receive the Manager and Chief Engineer's Monthly Update Regarding Activities of Note of the DOW; seconded by Mr. Shiraishi; with no objections; motion carried with 5 ayes.

K. **TOPICS FOR NEXT WATER BOARD MEETING** *(January 2015)*
1. Design, Construction and Water Resources Quarterly Update
2. *Manager's Report No. 11-28* – Discussion and Possible Action regarding Part 5 of the Rules, Facilities Reserve Charge – Proposed New Rule, SBRRB Results (awaiting Part 4 Section VII, Facilities Reserve Charge to be submitted together)
4. Manager’s Goals Update (will be included in the Manager’s Update monthly report)

L. **TOPICS FOR FUTURE WATER BOARD MEETINGS**
1. Discussion and Possible Action of Proposed Delegation of a Meter Restriction Board Policy No. 30
   - Provide policy for water demands for any project or affordable housing projects outside the service area (include source, storage, and transmission).
2. *Manager's Report No. 14-24* – Discussion and Possible Action regarding Part 4 Section I of the Rules, General Use Rates Proposed Amendments, SBRRB Results (awaiting Part 4 Section VII, Facilities Reserve Charge to be submitted together)
3. Employee of the Year Resolution
4. Proposed FY15-16 Budget

*At 12:41 p.m. Ms. Ho requested to go back to *New Business H3* – *Manager’s Report No. 15-19* regarding Maka Ridge since Mr. Moises returned to the meeting. (Refer to *New Business H3* on page 5.)*

M. **UPCOMING EVENTS**
1. AWWA Hawai‘i Section, Honolulu, HI *(February 3-5, 2015)*
2. AWWA Annual Conference, Anaheim, CA *(June 7-10, 2015)*

N. **NEXT WATER BOARD MEETING**
1. Thursday, January 22, 2015, 10:00 a.m.
2. Thursday, February 19, 2015, 10:00 a.m.
3. Thursday, March 19, 2015, 10:00 a.m.
4. Thursday, April 23, 2015, 10:00 a.m.

O. **ADJOURNMENT**

Mr. Shiraishi moved to adjourn the Regular Board Meeting at12:55 p.m.; seconded by Mr. Dill; with no objections, motion carried with 5 ayes.

Respectfully submitted,

Edie Ignacio Neumiller
Commission Support Clerk

Approved,

Laurie Ho
Secretary – Board of Water Supply