

Committee Meetings

January 28, 2010

Board present: Chair Randall Nishimura, Ian Costa, Dee Crowell, Donald Fujimoto, Leland Kahawai, Raymond McCormick, and Roy Oyama.

Staff present: David Craddick, William Eddy, Paul Ganaden, Gregg Fujikawa, Keith Fujimoto, Bruce Inouye, Faith Shiramizu, and DOW Deputy County Attorney Andrea Suzuki and First Deputy County Attorney Amy Esaki.

COMMITTEE OF THE WHOLE:

Chairperson Nishimura called the Committee of the Whole Meeting to order at about 10:38 a.m.

Re: Appointment of the Chairs and Members of the Finance and Rules Committees by the new Board Chair.

Chairperson Nishimura appointed the following committee chairs and committee members to the Board's Finance and Rules Committees.

Finance Committee

Roy Oyama, Chair
Leland Kahawai, Vice Chair
All Board Members

Rules Committee

Ian Costa, Chair
Donald Fujimoto, Vice Chair
All Board Members

The Committee of the Whole was duly adjourned at about 10:40 a.m.

FINANCE COMMITTEE MEETING:

Finance Chair Roy Oyama called the meeting to order at about 10:40 a.m. Mr. Nishimura recused himself from voting as he had a conflict of interest with one of the DOW payments.

Re: Claims Payable (as of December 31, 2009):

WATER UTILITY FUND:	\$1,887,740.27
BOND FUND:	\$ 109,293.86
FRC FUND:	\$ 142,077.24
STATE FUND:	\$ -0-
TOTAL	<u>\$2,139,111.37</u>

Mr. Costa moved that the claims be approved for payment, seconded by Mr. Kahawai; by a unanimous vote; motion was carried.

Re: Committee Discussion & Possible Action on the Following Amendments to the Rules And Regulations, Part 4, Fixing Rates for the Furnishing of Water Service in the County of Kaua'i (Manager's Rep. No. 10-16)

The following report was submitted:

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- a. Section I – General Use Rates (Proposed Block Changes)
- b. Section II – Bulk Rates (Paragraph 1)
- c. Section III – Agriculture Rates (Addition of Backflow Preventer Requirement)
- d. Section IV – Shipping Rates (Paragraph 3)
- e. Section V – Private Fire Service Charges (usage based on area ratio)
- f. Section VI – Public Fire Service Charges
- g. Section X – Cost of Power Adjustment

A public hearing was held prior to the Committee and Regular Meetings of the Board of Water Supply.

Manager Craddick discussed that one outstanding matter is that Section X, Cost of Power Adjustment, was in the public notice but the Board did not vote on it previously. Therefore, he stated that the Committee may want to request to the full Board that Section X be deleted prior to sending it to the Small Business Regulatory Review Board.

This item was on the Committee and Regular Meeting Agenda if the Board so desires to have further discussion.

Mr. Costa moved to defer this agenda item for further discussion by the Rules Committee and the full Board, seconded by Mr. D. Fujimoto; by a unanimous vote, motion was carried.

The Finance Committee was duly adjourned at about 10:45 a.m.

RULES COMMITTEE MEETING:

Rules Committee Chair Ian Costa called the meeting to order at about 10:47 a.m.

Re: Committee Discussion & Possible Action on the Following Amendments to the Rules And Regulations, Part 4, Fixing Rates for the Furnishing of Water Service in the County of Kaua'i (Manager's Rep. No. 10-16)

The following report was submitted:

- a. Section I – General Use Rates (Proposed Block Changes)
- b. Section II – Bulk Rates (Paragraph 1)
- c. Section III – Agriculture Rates (Addition of Backflow Preventer Requirement)
- d. Section IV – Shipping Rates (Paragraph 3)
- e. Section V – Private Fire Service Charges (usage based on area ratio)
- f. Section VI – Public Fire Service Charges
- g. Section X – Cost of Power Adjustment

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A public hearing was held prior to the Committee and Regular Meetings of the Board of Water Supply. This item was on the Committee and Regular Meeting Agenda if the Board so desires to have further discussion.

The next step would be to have the Small Business Regulatory Review Board (SBRRB) review and comment on our Public Hearing minutes at their March, 2010 Board Meeting

If all goes well, the Board may take action at the March or April, 2010 Board Meeting, depending when we receive the SBRRB's comments.

Then the final Rules will be sent for signatures from the County Attorney, Mayor, and the County Clerk.

On query by Mr. D. Fujimoto, Chair Nishimura stated that if there are any changes needed to the proposed rules based on the public hearing testimony, this was the time to do the changes.

Mr. D. Fujimoto discussed that the table needed to be taken off from Section X, Cost of Power Adjustment as a housekeeping matter. Also, he thought Mr. Taylor brought up a good point on the agriculture portion of the Rules that if our customers are not doing agriculture farming that they should not be allowed to have agriculture rates.

Mr. D. Fujimoto felt that it was fair that all customers, residential or farmers need to pay the first block rate for residential use and then if qualified for agriculture rates, thereafter, agriculture rates would apply. However, to not jeopardize the present proposed rules, Manager Craddick suggested that this matter and the matter on the financial aspect of the backflow preventers could be handled separately.

Mr. Oyama requested more concrete data to ensure what is proposed is justified.

Chair Nishimura recommended that the Finance and Rules Committees have these proposed rule changes on their future agenda for more discussion.

Mr. Crowell moved to forward the Public Hearing results to the Small Business Regulatory Review Board, seconded by Mr. D. Fujimoto; by a unanimous vote, motion was carried.

Re: Committee Discussion on the Rules of Reconsideration

Chair Nishimura reported that Deputy County Attorney Andrea Suzuki has done research on the subject matter and submitted the following report for the Rules Committee to discuss:

MOTION FOR RECONSIDERATION

The Planning Commission's rule for reconsideration, Rule 1-2-19, is as follows:

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“When a motion has been once made and carried in the affirmative or negative, only a member who voted with the prevailing side may move, at the same meeting, or at the next meeting, to reconsider it, and such motion shall take precedence over all other questions except a motion to adjourn.”

Robert Rules of Order lays out the elements for the rule for reconsideration as follows:

- There must have been a motion which has already been voted on
- Can only be made by a member who voted with the prevailing side
- The motion is subject to time limits
 - In a session of one day, such as an ordinary meeting, the motion to reconsider can be made only on the same day the vote to be reconsidered was taken
 - In a convention or session of more than one day, a reconsideration can be moved only on the same day the original vote was taken or on the next succeeding day within the session on which a business meeting is held.

According to Roberts Rules, a motion to reconsider, as it applies to the Board of Water, could only be made on the same day the vote to be reconsidered was taken. Under the Planning Commission’s rule, it can be made at the next meeting, but allowing that to happen requires that procedures under the Sunshine Law, or HRS Chapter 92 be followed, which includes notice.

Mr. D. Fujimoto moved to defer this matter for further research by our Deputy County Attorney Suzuki, seconded by Mr. Oyama; by a unanimous vote, motion was carried.

The Rules Committee was duly adjourned at 11:00 a.m.

ADJOURNMENT:

There being no other business, the Committee Meetings were duly adjourned at 11:00 a.m.

Recess: 11:00 – 11:10 am

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