

**BOARD OF WATER SUPPLY of the COUNTY OF KAUA'I**

**REGULAR MEETING**

Second Floor, Microbiology Lab Bldg  
Kaua'i County Department of Water  
4398 Pua Loke Street, Līhu'e, Kaua'i, Hawai'i 96766

**THURSDAY, MARCH 19, 2009**

**9:35 a.m.**

or thereabouts

[Note: Revised time: 9:35 a.m. instead of 10:05 a.m. for today's meeting only.]

**A. CALL TO ORDER**

**B. ROLL CALL**

**C. ACCEPTANCE OF AGENDA**

**D. MEETING MINUTES: Regular Meeting – February 19, 2009**

**E. CORRESPONDENCE/ANNOUNCEMENTS**

1. Letter from Mr. Stuart Yamada from the State Department of Health Regarding Invitation to AWWA, HI Section Annual Conference and Exposition for May 13-15, 2009, Sheraton Waikiki, Oahu

**F. OLD BUSINESS**

1. Status Report from Kukui'ula Development Company (Hawai'i) LLC on their Projects: 1) Subdivision Y Cottages, S-2005-25, TMK: (4) 2-6-016: 016 thru 088; and, 2) Subdivision Y Custom Home Sites, S-2005-25; and, 3) Subdivision M1/M4 Custom Home Sites (S-2005-21), Kukui'ula, Development, Kukui'ula, Kaua'i, Hawai'i
  - a. Request Board Consideration and/or Approval of Kukuiula Development Company (Hawaii) LLC Regarding their Proposed Solution to the 0.1 Million Gallon (MG) Piwai Storage Tank Spillway Elevation Discrepancy
2. Request Board Approval of a Third Contract Amendment, Job No. 04-02, 02-18, WK-14, WK-32, Waterline along Kaehulua, Apopo and Kanaele Roads with Fukunaga and Associates, Kapaā, Kaua'i
3. Request Board Approval of a Sixth Contract Amendment for the Automated Meter Reading (AMR) Implementation for the Department of Water, County of Kaua'i

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**F. OLD BUSINESS (cont'd)**

4. Request Board Approval for Job No. 94-3, K-10, 0.5 Million Gallon Kalaheo Storage Tank, Kalāheo, First Contract Amendment with ParEn, dba Park Engineering
5. Request Board Approval to Amend the Travel Budget for Board and Staff
6. Discussion and/or Action by the Board on the DOW's Hiring of the Waterworks Legal Advisor
7. Discussion and/or Action by the Board regarding steps, actions, procedures and processes necessary to select a new Manager and Chief Engineer for the Kauai Water Department

**G. NEW BUSINESS**

1. Request to Testify by Hobey Beck on his Request to Adjust his Excessive Water Bill for his Property at TMK: 4-6-06:085, CPR 0002, Kapa'a, Kaua'i
2. Request to Testify by Vic and Anne Allen and John McEveety for TMK No. 3-8-16:020, Lihu'e Kaua'i to Transfer their Water Rights from their State Condemned Lot to the Adjacent Property
3. Request Board Approval of Res. No. 8 (08/09) Adoption, Pertaining to State Revolving Fund (SRF) Funding for DW212-0004 Pipeline Replacement for Lihue Town; DW406-0007 Waimea Main Replacement; DW407-0001 Kīlauea Elementary School Off-Site Water System Improvements (Job No. WKK-09)
4. Request Board Approval of a Conveyance of Water Facility from Mark L. Soppeland and Nancy S. Soppeland, TMK: (4) 5-1-05:101, Puu Pane Subdivision, Unit 1, (south) Wailapa Road, Kilauea, Kauai, Hawai'i
5. Request Board Approval of a Conveyance of Water Facility from Wilson I. Miyashiro, Bruce Miyashiro, Wilson I. Miyashiro, Jr. and Philip K. Miyashiro, TMK: (4) 4-6-09:015, Hauaala Road, Kapaa, Kauai, Hawaii
6. Request Board Approval of a Conveyance of Water Facility from Gordon Ralph Smith & Colleen Reiko Santoki Smith; Kevin K. Kanehe & Deanna T. Kanehe; Bheemdev Meetarbhan & Linda Diane Holenski; and Susan Scott Reghi, as Trustee of The Susan Scott Reghi Self-Trusteed Revocable Trust, for the 4<sup>th</sup> 5/8-inch Domestic Service Connection for TMK: (4) 5-1-05:052, Lot 1, Unit 3, Kilauea, Hanalei District, Kauai, Hawai'i

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**G. NEW BUSINESS (cont'd)**

7. Conveyance of Water Facilities and Consent from CTF Hawaii Hotel Partners Limited Partnership, an Ohio limited partnership (formerly known as SHC Hawaii Hotel Partners Limited Partnership, an Ohio limited partnership); Latham Properties, Inc., a Hawaii corporation; Kuahiwi Holdings LLC, a Hawaii limited liability company; and Waiawa Properties LLC, a Hawaii limited liability company (formerly known as Knudsen-Baldwin LLC, a Hawaii limited liability company), for the Poipu Beach Hotel, TMK: (4) 2-8-017:017, TMK: (4) 2-8-017:018, TMK: (4) 2-8-017:019 and TMK: (4) 2-8-017:022, Koloa District, Kauai, Hawaii

**H. STAFF REPORTS**

1. Statement of Kaua'i County Water Department's Revenues and Expenditures
2. Report by the Public Relations Specialist on a Monthly Update Regarding DOW Public Relation Activities
3. Acting Chief of Operations' Summary Report on the Monthly Operational Maintenance Agreement
4. Manager's Monthly Update Regarding Activities of Note of the Kaua'i County Water Department
5. Report of the Finance Committee of the Kaua'i County Board of Water Supply
6. Report of the Rules Committee of the Kaua'i County Board of Water Supply
7. Report of the Sub-Committee of the Whole Committee of the Kaua'i County Board of Water Supply

**I. STRATEGIC AND BUSINESS PLAN AND NEEDS ASSESSMENT**

1. Updates on the Kaua'i Water Department for their Strategic and Business Plan and Water Plan 2020 Program Sustainability Services
  - a. Issue Champions: Update of Strategic Goals and Implementation Status
  - b. Affordable Housing: Project Status

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**J. EXECUTIVE SESSION:**

*Pursuant to H.R.S. §92-7(a), the Commission 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 H.R.S. §92-4 and shall be limited to those items described in H.R.S. §92-5(a).*

**REVIEW OF EXECUTIVE SESSION MINUTES:**

- a. Regular Meeting: Thursday, November 13, 2008
  - b. Regular Meeting: Thursday, December 11, 2008, Parts 1-3
  - c. Regular Meeting: Thursday, January 8, 2009
  - d. Special Meeting: Wednesday, January 28, 2009
  - e. Regular Meeting: Thursday, February 19, 2009
1. ES-2007 (12-13-07 & 2-14-08) - Pursuant to Haw. Rev. Stat. Sections 92-4 and 92-5(a)(4), the purpose of this executive session is to consult with Legal Counsel regarding questions and issues pertaining to the Board's and Department of Water's liabilities, powers and duties regarding personnel, labor and employment issues. This consultation involves consideration of the powers, duties, privileges, immunities and/or liabilities of the Board and the County as they relate to this agenda item and/or liabilities, claims and/or potential claims, as they relate to the foregoing and to take such action as the Board deems appropriate.
  2. ES-2008-20 (1-8-09) Pursuant to Haw. Rev. Stat §§92-4 and 92-5(a)(2), the purpose of this executive session is to discuss and consult with staff and the Board's legal counsel on the legal issues relating to the Department's hiring of the Waterworks Legal Advisor and to consult with the Board's legal counsel on questions and issues relating to the Board's powers, duties, privileges, immunities, and/or liabilities and take such action as the Board may deem appropriate with respect to the foregoing item.
  3. ES-2008-8 (June 5, 2008)– Pursuant to Hawaii Revised Statutes Sections 92-4 and 92-5(a)(2), (4), (6) and (8), one of the purposes of this executive session is to consider matters that require confidentiality under state law, to wit, to meet with the Board's legal counsel with regard to the Board's powers, duties, privileges and immunities and/or liabilities, claims and/or potential claims, as such powers, duties, privileges and immunities and/or liabilities, claims and/or potential claims as they relate to the selection of an individual to be given supervisory and/or managerial and/or developmental and/or consultation duties over the Kauai Department of Water and/or the Kaua'i Department of Water's Water Plan 2020. 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, as such powers, duties, privileges and immunities. 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, as such powers, duties, privileges and immunities .

**K. ADJOURNMENT**

**NOTE: Special Accommodations for persons with disabilities are available upon request five (5) days prior to the meeting date. Please call the Department of Water, County of Kaua'i, at 245-5408 or drop by at 4398 Pua Loke Street, Līhu'e, Kauai. Our mailing address is P. O. Box 1706, Līhu'e, HI 96766.**