COUNTY OF KAUA'I
BOARD OF WATER SUPPLY
PUBLIC HEARING

Wednesday, November 23, 2011
10:10 - 10:19 a.m.
Second Floor, Microbiology Lab Building
Kauai County Department of Water
4398 Pua Loke Street
Lihue, Kauai, Hawaii 96766

REPORTED BY:

TERRI R. HANSON, CSR 482
Registered Professional Reporter
APPEARANCES

BOARD MEMBERS:
Roy Oyama, Chair
Larry Dill
Daryl Kaneshiro (arrived at 10:17 a.m.)
Raymond McCormick
Randall Nishimura

STAFF:
David Craddick
Deputy County Attorney Andrea Suzuki
Marites Yano
Faith Shiramizu
Dustin Moises
Val Reyna
Keith Aoki
Edward Doi
Becky Malapit
PUBLIC HEARING

CHAIRMAN OYAMA: It's 10 after 10:00. We're starting with the public hearing. And I'm going to pass along to our chief engineer, David Craddick, to run through as a presenter to present the hearing. Okay? Is that all right?

MR. NISHIMURA: Yes sir.

MS. SUZUKI: Is that what you agreed to?

We have a script right here.

CHAIRMAN OYAMA: Yes.

MS. SUZUKI: Start at the beginning. So you just read --

CHAIRMAN OYAMA: You just want me to read it?

MS. SUZUKI: Just read that first paragraph, and I'll read the rest.

CHAIRMAN OYAMA: Okay. I'll read the first. Okay. All right, here we go. Thank you. Okay.

A public hearing will be today, Wednesday, November 23rd, 2011, regarding the corrections to the proposed amendments to the Rules and Regulations of Part IV, affecting Sections I, V, and new Section XI, which will be more specifically stated when the public hearing notice is read shortly.

Copies of the proposed rule amendment are
available. Our legal counsel will now explain the procedures that will apply to this hearing. Thank you.

MS. SUZUKI: The board will follow the following procedures as laid out in Part I, Section VI, Subsection III of the Department of Water, County of Kauai, Rules and Regulations in holding this public hearing.

A presentation will first be made by the department regarding the proposed rules that are the subject of today's hearing. The department will then ask if there are any questions the board may have regarding the department's presentation.

The board will then take public testimony. Which there's a signature that's out there.

MS. SHIRAMIZU: Nobody.

MS. SUZUKI: If anyone wants to testify, fill out the signature list. I see that no one is in the room.

If anyone is going to testify, state your name, address, organization you're representing, and if you're a registered lobbyist.

Limit your comments to the subject matter of today's public hearing.

Refrain from direct questioning of the board and direct any remarks or questions to the chair.
Anyone speaking may be subsequently subject to questioning. And questions by the board shall be permitted only at the discretion of the chair.

The three-minute rule will be followed regarding all testimony. So testimony should be limited to three minutes. If you don't complete your testimony, you will be given another opportunity to speak what you want to say.

And the board shall not be bound by any technical rules of evidence. Thank you.

Any questions? No.

CHAIRMAN OYAMA: Okay. The public meeting is now open. The purpose of this hearing is for the Board of Water Supply to hear testimony and take action relating to the corrections to the proposed amendments to the Rules and Regulations of Part IV, Section I, V, and new Section XI.

Will the secretary please conduct a roll call of the commissioners and read the hearing notice, please.

MS. MALAPIT: Oh, that's me.

CHAIRMAN OYAMA: Yes.

MS. MALAPIT: Roy Oyama.

CHAIRMAN OYAMA: Here.

MS. MALAPIT: Michael Dahilig. Larry Dill.
MR. DILL: Here.


MR. McCORMICK: Here.

MS. MALAPIT: Randall Nishimura.

MR. NISHIMURA: Here.

CHAIRMAN OYAMA: Four is a quorum.

MS. MALAPIT: Okay. We have a quorum.

CHAIRMAN OYAMA: Thank you.

MS. MALAPIT: My job's done.

CHAIRMAN OYAMA:: For now.

MR. CRADDICK: For the hearing notice, this was advertised on November 23rd, October 22nd, 2011, in the Garden Isle newspaper.

CHAIRMAN OYAMA: Okay.

MR. NISHIMURA: Point of order, Mr. Chair.

CHAIRMAN OYAMA: Yes.

MR. NISHIMURA: Do we need to have the entire notice of public hearing read into the record, or can we have it entered into the record by reference?

MS. SUZUKI: Well, usually we read it into the record is what we've done in the past.

MR. NISHIMURA: Okay.

MR. CRADDICK: I can read that.

CHAIRMAN OYAMA: Go ahead.
MR. CRADDICK: Notice of public hearing and it was noticed on the date that I said, Board of Water of Supply, County of Maui -- or County of Kauai, will hold a public hearing at the board room located on the second floor of the Kauai County Department of Water, Micro Lab Building at 4398 Pua Loke Street, Lihue, Kauai, Hawaii, on Wednesday, November 23rd at 10:00 a.m. or soon thereafter for purposes of hearing and receiving public testimony and comments from all interested persons regarding the following items: Proposed amendments to the Rules and Regulations of the Board of Water Supply, County of Kauai, State of Hawaii, Part IV, fixing rates for the furnishing of water service in the County of Kauai. The Section I, General Use Rates, revisions to institute monthly billing instead of bimonthly billing; Section V, Private Fire Service Charges, section revisions to provide detailed information about the method the department uses to bill private fire lines; Section XI, Late Charges, new section to institute a late payment fee in the amount of 1/2 percent against the delinquent balance for every month or a fraction thereof.

A copy of the proposed rule amendment will be mailed to any interested person who requests a copy and pays the required fees for the copy and postage.
Requests may be made by calling the water manager's office at 245-5408 or by submitting facsimile requests to 246-8628. Requests may also be made up to and including the date of the public hearing.

The proposed rule amendments may be reviewed in person between the hours of 8:00 and 4:00 p.m., Monday through Friday excluding State of Hawaii holidays at the water manager's office. Hawaii proposed rule amendments may be reviewed any time up to and including the date of the public hearing.

All interested persons may submit data, views, arguments, or other testimony orally or in writing or both concerning the proposed rule amendments. Data, views, arguments, or other testimony may be submitted any time up to and including the date of the public hearing or at the public hearing itself. Data, views, arguments, or testimony may be submitted by email to cbeardmore@kauaiwater.org or by facsimile to 246-8628 or by US mail to the water manager's office whose address is 4398 Pua Loke Street, Lihue, Kauai, Hawaii 96766.

The board may impose a time limit for each person presenting testimony at the hearing. Should you have any questions, please do not hesitate to call the water manager's office at the same number.

Signed by the Board Chair, Roy Oyama. It's
dated October 22nd, 2011.

CHAIRMAN OYAMA: Okay. Thank you. At this time Mr. Kaneshiro arrived and will be at this meeting. And he will be recorded as being present.

MS. SUZUKI: Daryl Kaneshiro.

MR. KANESHIRO: Here.

CHAIRMAN OYAMA: Thank you. So we have five present now. Okay. Let's see now.

I would now call upon persons signed up on the sign-in sheet at the public desk and being registered, taking persons. Is there anyone else here that has not spoken? Excuse me. Anybody to speak? (No response.) None?

MS. MALAPIT: There's no names on the sign-in sheet.

CHAIRMAN OYAMA: Okay. Since there's not, board members, any comments?

MS. SUZUKI: Read that last paragraph.

CHAIRMAN OYAMA: That's the public testimony, right? Yeah.

There being no further testimony, I will close the public testimony portion of the public hearing. The Small Business Regulatory Review Board has determined that the department need not return to the review board unless substantive changes were made to the proposed
amendments after the public hearing.

The public hearing is now closed. Thank you for coming. Thank you. We're done.

(Concluded at approximately 10:19 a.m., November 23, 2011.)

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STATE OF HAWAII )
       ) ss.
COUNTY OF KAUAI )

I, TERRI R. HANSON, RPR, CSR 482, do hereby certify:

That on Wednesday, November 23, 2011, at 10:10 a.m. that the foregoing PUBLIC HEARING, County of Kauai, Board of Water Supply, was held;

That the foregoing proceedings were taken down by me in machine shorthand and were thereafter reduced to typewritten form under my supervision; that the foregoing represents to the best of my ability, a true and correct transcript of the proceedings had in the foregoing matter.

I certify that I am not an attorney for any of the parties hereto, nor in any way concerned with the cause.

DATED this 10th day of December, 2011, in Kapaa, Hawaii.

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TERRI R. HANSON, CSR 482
Registered Professional Reporter