

MINUTES
BOARD OF WATER SUPPLY
Thursday, August 21, 2025

The Board of Water Supply, County of Kaua'i, met in a regular meeting in Līhu'e on Thursday, August 21, 2025. Vice Chair Shigemoto called the meeting to order at 9:30 a.m. The following Board members were present:

BOARD:

Ms. Julie Simonton, *Chair*
Ms. Micah Finnila (*remote*)
Mr. Clyde Kodani
Mr. Ka'aina Hull
Mr. Troy Tanigawa

EXCUSED:

Mr. Tom Shigemoto, *Vice-Chair*
Mr. Eric Fujikawa

Quorum was achieved with 5 members present at Roll Call.

ANNOUNCEMENTS

Next Scheduled Board Meeting: Thursday, September 18, 2025 – 9:30 a.m.

APPROVAL OF AGENDA

The agenda was approved with no objections

MEETING MINUTES

1. Regular Board Meeting – July 17, 2025

The minutes of the July 17, 2025 Regular Board Meeting were received for the record.

PUBLIC TESTIMONY

Commission Support Clerk Cherisse Zaima stated for the record that the Board received 16 letters of support from the public, and 96 letters of support from students at Namahana School for New Business Item 2.

The Board received in-person testimony from the following members of the public:

Lyla Ornellas, 7th grader at Namahana School and Liv Nelson, 8th grader at Namahana School were part of creating the school along with their community. They expressed their support for approval of a water meter, noting that without this school in their community, they would have to ride the bus for an hour and a half to school and back every day. They shared the effort that has been put into this school, and the importance of having this school in their community. Without approval of the water meter, the school will not be able to start building, and they will not be able to have the school of their dreams. They stated that a much needed middle and high school will potentially serve 500 students on the North Shore and will continue to expand. They asked that the water meter be approved to help current and future students on the North shore.

Gary Pacheco, resident of Kīlauea noted that he became involved with Namahana School as part of Bill Porter's non-profit organization and saw the vision on having a middle school in Kīlauea.

Having been a bus driver for a time, he saw the inconvenience of the North shore students to wake up very early to travel to Kapa‘a High School. It has been a long journey, which is now up against a roadblock. He asked how difficult it is for the County to obtain water from Mark Zuckerberg’s tank so that they have enough water to develop Kīlauea. Kīlauea is thriving, the community has expanded, and there are a lot of children in the community that will benefit from having a middle school there. He urged the Board to approve the water meter being requested.

Dr. Kapua Chandler, Namahana School leader, expressed her gratitude to the Board and Department of Water Manager Joe Tait. She noted that Namahana School, an Aina-based school with core values of Aloha Aina, has been a long-standing project since 2018. Today, 120 students are enrolled at the temporary site, and the school is requesting water for Phase 1, which will serve two grade levels. The school is committed to sustainable growth and is working towards a 100% zero-waste environment. Over 100 letters of support have been received, with 94 from the youth of Namahana School. The community has rallied, raised millions of dollars, and the Hawai‘i State Public Charter School Commission approved the 5-year charter contract. Without water, the school could lose its charter contract and face years of application process. The community has been asking for the school, water, and preparation for decades. The school is now ready to be responsible stewards of this vital resource. The community is counting on the school and its future.

Felicia Cowden, County Council member, stated that she formerly taught at Hanalei School and there has been a need for a school for as long as she has been there. She believes that the Namahana School will be able to provide a profound change for the health of the youth and community. She is thankful for the students and the parents who are involved in their education. The distance between the school and Namahane has been an enormous challenge, but she celebrates the quality of the school and the real-life-based education. Kīlauea needs water, and she expressed how stressful it was when they lost funding for their water system. She thanked the Board in advance for finding a way to ensure Namahana School opens on time in their new location, noting that the school is central to the work being done for housing and other needs. She is grateful for the support and assistance from the community in achieving their goals.

Jessica Fu, resident of Kīlauea and Namahana School parent, noted that she is a proud graduate of Kapa‘a High School and understands how vital it is to strengthen these educational resources in their community. She sees this as a multi-generational accomplishment to get to this point, but they are far from completion. She is in awe of the support shown for Namahana school from the Charter Commission, local government officials, other schools and teachers, keiki and the community at large. She noted her daughter, Lyla Ornellas, provided testimony earlier expressing how much she loves going to school. She stated that the students are currently in a temporary facility and need to move toward permanent facilities; it would be devastating if they cannot move forward. This will put the community and families in a state of uncertainty and stated that this water meter is badly needed to allow their families to live and work in the same geographic community that they live in.

Jonathan McRoberts, Namahana School Board member, North Shore Lions member, Hanalei Bay Rotary Club member, stated that he has been involved in education for a long time, having taught school, and holding a master’s degree in education from Stanford University. He expressed the importance of keeping parents involved, which has always been a challenge when North shore parents have to travel all the way to Kapa‘a to participate in their children's

education. He feels that having a school in Kīlauea will ensure parents will continue to be involved and maintain a good connection with the school.

William “Billy” Kinney, resident of Hanalei and Assistant Director of Hui Maka‘ainana o Makana, stated that through the partnerships, collaborations and co-management they operate in one of the most successful regenerative models in tourism. He noted that he has his master’s degree in Urban Planning and Regional Planning from University of Hawa‘i at Manoa, with an undergraduate degree in English and Hawaiian Studies and Hawaiian language. He added that he barely made it through high school and didn’t like going to school because of the early and long bus commute to Kapa‘a High school, which was a total of 3 hours each day. He understands the value of having access to a high school in the area because he did not have that privilege growing up. He expressed the importance of ensuring they provide the children with the best facilities, the best infrastructure, and support and resources.

NEW BUSINESS

1. *Manager’s Report No. 26-03* Discussion and Possible Action to Request Board Approval for Indemnification and Unspecified Future Obligations for Adobe, Inc. between the Board of Water Supply, County of Kaua‘i and Adobe Inc.

Information Technology Manager Robert Newton provided a summary of the Manager’s Report submitted.

Board member Hull moved to approve Manager’s Report No. 26-03, seconded by Mr. Tanigawa; with no objections, motion carried with 5 Ayes.

1. Letter from Namahana Education Foundation, dated August 10, 2025, requesting an appeal of the Department of Water’s denial of a request for a 1 ½-inch water meter for construction of Phase I of the Namahana School Campus

Commission Support Clerk Cherisse Zaima noted that Deputy County Attorney Laura Essenberg requested to enter into executive session to discuss the Board’s powers, duties, privileges, immunities and liabilities.

Board member Ka‘aina Hull stated that until he saw this agenda item, he was unaware that Namahana School was facing an issue with water and asked if this is stemming from a building permit.

Attorney for Namahana, Ian Jung, asked if he or the Department could provide some background prior to the Board entering into executive session. Manager Joe Tait requested that Deputy Manager Michael Hinazumi and Engineering Division Head Jason Kagimoto provide the Board with some background leading up to this request from Namahana to appeal the denial of the 1 ½ water meter.

Mr. Kagimoto explained that back in 1991, the Water Department placed a 5-meter restriction on the Kīlauea water system. The parcel for this school was created in a subdivision application submitted in 2018, at which time there were 7 lots created for this subdivision. All of the five water meters were allocated to these 7 lots, this parcel not being one of them. During the 2018 subdivision approval, it was identified and determined that domestic water service was not available from the Department of Water, and it was recommended by DOW that the applicant

either complete a Waiver and Release Agreement with DOW or submit a copy of the deeds of the lot to DOW that states domestic water is not available from DOW. In 2023, a deed which identified no County water service was provided, as well as a Waiver and Release was submitted and recorded with the Bureau of Conveyances.

Mr. Kagimoto further explained that in 2024, a zoning class use permit and special permit for the school were issued, at which point it was also identified that there was no existing County water service based on the initial subdivision application that included the initial allocation of five meters for a different parcel.

Mr. Ian Jung, attorney for Namahana Education Foundation, joined by Dr. Kapua Chandler and Melanie Parker stated that the letter uses the word “appeal”; however, the true ask is a plea. He noted that while Mr. Kagimoto provided the history of the subdivision, what was missing was the context of the subdivision. It was the vision of former Mayor Bernard Carvalho to create a new Kīlauea bypass road, so when this subdivision was created, there was thought of the future for these parcels such as providing additional commercial uses and housing potential for some of these large lots. In going through the subdivision, the question arose of whether or not this new Kīlauea Town Core corridor would be for new use or future use, and one of the things set aside was the dedication of the road.

In order to create these other lots, DOW needed to ensure that nothing could be done with these lots until such time that water infrastructure was created for these lots, which Namahana fully recognizes. However, since then, the vision for Kīlauea Town has passed, and the County Housing Department has utilized this vision to create housing on the eastern side of this plateau where the Kīlauea Town Corps saw future housing capabilities. Gather bank has seen the commercial aspect, and while they don’t have water, they were able to utilize an existing private water system on that lot. Also visualized was the PAL and Habitat for Humanity projects to build 12 units.

Mr. Jung stated the issue before the Board is what is quasi-public, and DOW issuing 2 meters to PAL and Habitat for Humanity is a good reason to use the deviation that the Board is allowed to create water capability and availability for those users.

Chair Simonton asked for clarification if there is something specifically regarding affordable housing in our rules relating to water meter allocation. Deputy Manager Michael Hinazumi stated that our rules do not explicitly specify affordable housing for subdivision and development approval. However, there is specific affordable housing criteria for Facility Reserve Charges, and part of the allowance for the exception does consider affordable housing.

Mr. Jung interjected, stating the point being is the school is a quasi-public benefit, a quasi-public asset that he thinks can benefit from this deviation, similarly to what a non-profit housing developer could utilize. He believes the issue for water is not transmission, but rather source and storage for water availability which seems to stem from the future upgrade from a 250,000 gallon tank to a future 1 million gallon tank. What Namahana is pitching to the board is that by the time they get through permits and construction, they anticipate the water infrastructure may potentially be upgraded for available water usage. If it isn’t, he asked that they still consider the quasi-public use of this public school in the heart of Kīlauea town which serves a whole host of benefits for the community. He added that the County Housing Department will be going through the same process in hopes of getting future water allocations, and future development is

something the Board should consider to ensure water improvements are escalated to Kīlauea Town to meet all these requirements. Mr. Jung noted that transmission lines were put in the new Road Lot B as part of the subdivision for the PAL and Habitat for Humanity projects, so it is not an issue of transmission, but source and storage. What Namahana is asking is that while they wait for the 250,000 million gallon tank to be upgraded, the Board comes up with a procedure that would allow them to get their building permits and begin construction with the anticipation that water may become available in this area. He added that these are not speculative developers, but a non-profit looking to create a public asset.

Melanie Parker, Executive Director of the Namahana Education Foundation stated that this is one of the most significant projects on the North shore that is of urgent need and will have an impact for generations to come. The school is currently open in temporary facilities while permits are in process. They are currently engaging a contractor and are shovel-ready but need to receive approval for this water meter to be able to move forward and remain operational. Ms. Parker explained they are phasing in enrollment with Phase I only serving two grades which will be phased in over two years starting in 2026 with one grade and rolling in another grade after that which she feels will have a significantly low impact on the current water supply. She noted they are truly a public asset, and with the affordable housing coming up right across the street there will be even more of a demand for a public school on the North Shore.

Board member Hull asked for clarification that they are here asking for a water meter to allow them to proceed with their building permit first with the anticipation that the tank upgrades will be done, and then get the meter afterward? Mr. Jung stated that the process as he understands it is that you can provide a Waiver and Release Agreement that will allow you to get your building permit and begin construction absent the meter. However, the strategy here is if there is the potential for water to become available to service this project as far as source and storage, apply for it now rather than executing the Waiver and Release, because subsequently coming back to remove the Waiver and Release would take a good deal of time to do. So Namahana is asking the Board for a deviation to allow the water usage and approval of a 1 ½" meter rather than proceeding under the Waiver and Release process.

Board member Clyde Kodani asked how long the Waiver and Release process take. Mr. Jung explained that when they created the 7 lots and 2 roadway lots on this subdivision, there was a water restriction imposed and a deed restriction. What PAL and Habitat for Humanity would have to file necessary documentation to remove those Waiver and Release agreements since they have been allocated meters, which is the same process Namahana is proposing if the Board approves this request to appeal the denial. Mr. Jung further explained that if they entered into a Waiver and Release now, they could likely get it done now to allow the building permits to be released; however, they would have no water resources available because no private water system established for this lot. They would be unable to utilize any built environment until they had a private water system, which could take 2 years to get, or unless the Board provides water. To answer the question directly, the Waiver and Release could take about a month to execute to get the building permits, but once it was constructed and ready in 2026, they would have no water to utilize.

Chair Simonton requested a motion to enter into executive session.

EXECUTIVE SESSION:

Pursuant to Hawai'i Revised Statutes (HRS) §92-7(a), the Board 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 HRS §92-4 and shall be limited to those items described in HRS §92-5(a).

1. Pursuant to Hawai'i Revised Statutes (HRS) §92-4 and §92-5(a)(4), the Office of the County Attorney requests an Executive Session with the Board to provide a briefing and to consult with the Board's attorney on its powers, duties, privileges, immunities, and liabilities as they relate to the Namahana Education Foundation's appeal of the Department of Water's denial of a request for a 1 ½-inch water meter for construction of Phase I of Namahana School's campus.

Board member Hull moved to enter into executive session, seconded by Troy Tanigawa; with no objections, motion carried with 5 Ayes.

The Board entered into executive session at 10:14 a.m.

The Board resumed in open session at 11:41 a.m.

The Board concluded its executive session for Item 1. Item 1 involved discussion for the purpose stated on the agenda for that particular item. Pursuant to HRS 92-4(b), the disclosure of the discussion would defeat the purpose of convening the executive meeting which was held pursuant to HRS 92-5(a)(4).

Board member Hull stated that based on testimony received today, it has been demonstrated that there is a clear and present need and a gap for educational needs of this region of Kaua'i. Moreover, the Kaua'i General Plan envisions Namahana Charter School and its benefits to the Kīlauea community. The public interest here warrants action.

Board member Hull proposed the following

Board Chair stated that the Board's position is that the importance of this school is understood, and they also know the restrictions on the availability of water. The Board encourages Namahana School to look at water minimization efforts such as wastewater reuse, an on-site well for non-potable uses including irrigation, toilet flushing, catchment; whatever can be done to minimize water use.

Board member Hull moved that there is legitimate public interest in granting water service to Namahana Charter School, seconded by Mr. Tanigawa; with no objections, motion carried with 5 Ayes.

Board member Hull moved that the Board hereby directs the Department of Water to address the deed restriction, the Waiver and Release form, and any other documents preventing the site from obtaining water service, seconded by Mr. Tanigawa; with no objections, motion carried with 5 Ayes.

Ian Jung stated that they can definitely draft up the necessary paperwork to address the deed restriction for the Department to review for this particular lot only.

Board member Hull moved that the Board also requires that prior to building permit approvals, the applicant provide the Board of Water with a water minimization plan that will be subject to Board's review, amendment, and approval, seconded by Mr. Tanigawa; with no objections, motion carried with 5 Ayes.

Ian Jung stated that there was already a plan in place to come up with ideas for water minimization, and he is confident they can work with the Department to come up with a plan that will be mutually satisfactory for both parties. Dr. Kapua Chandler added that what the Chair suggested is what they had already been thinking about. For clarification, Mr. Hull stated that Namahana would be working directly with the Department to come up with the water minimization plan which would then be brought back to the Board for review and final approval.

STAFF REPORTS

1. Fiscal:
 - a. Monthly dashboard – Number of Service Calls, Number of Walk-in Customers, Number of Customer Emails and Correspondence, Number of Customer Rebills, Accounting Highlights, Transponder Replacement highlights and progress, Staff Overtime hours
 - b. Budget Report for July 2025
2. Operations
 - a. Monthly dashboard – Annual Financial Impact Overview, Staff Overtime Hours, Budgeted and Vacant Positions, Services Received/Completed, Highlights: New Hires, Transponders replaced, Training for HazMat Certifications
3. Engineering
 - a. Monthly dashboard – Budgeted and Vacant Positions, Staff Overtime Hours, Projects In Design, In Construction, Completed; Water Resources and Planning Statistics – Customer Requests, Applications and Permits, Service and Records Requests, Number of Backflow Devices tested
 - i. Capital Improvement Plan (CIP) Project Highlights/Status Updates:
 - Kapa'a Homesteads 325' Tanks
 - Pu'u Pane 1.0 Million Gallon Tank
 - Kalāheo Water System Improvements
 - University of Hawai'i Experimental Station 605' Tank
 - Hā'ena 0.2 MG Tank
 - Paua Valley Tank No. 1 Rehab
 - Kūhiō Hwy (Hardy-Oxford) 18" Main Replacement
 - ii. DOW Project Highlights/Status Updates:
 - Water Systems Investment Plan (WSIP)
 - Kaua'i Water Use and Development Plan (KWUDP)
 - As-Needed Grant Writing and Preparation Services: WaterSMART Grant for Advanced Metering Infrastructure (AMI) Meters
 - America's Water Infrastructure Act (AWIA) Risk and Resilience Assessment/Emergency Response Plan
4. Administration
 - a. Human Resources – updates on Personnel Vacancies
5. Manager and Chief Engineer
 - a. Reports to Manager:
 1. 4th Year Audit for Contract No. 724 with N&K CPAs, Inc., Annual Audit for Fiscal Years Ending June 30, 2022 through June 30, 2026

2. Year 2 Services for Contract 733 with DOXIM dba Utilitec, Job. No. SS-2024-02, Customer Care & Billing (CC&B)
3. Change Order No. 1 to Contract No 781 (Paul's Electrical Contracting, LLC), Job No. 24-14, Lihue Baseyard Electrical Relocation
4. NASPO VL Contract No. 17-18, CPA2014-01, Year 3 of 3 Services and Contract Change Order No. 3 with Carahsoft Technology Corporation, Asset Managed Services

TOPICS FOR NEXT BOARD OF WATER SUPPLY MEETING: (September)

TOPICS FOR FUTURE BOARD OF WATER SUPPLY MEETING:

ADJOURNMENT

The meeting was adjourned at 11:52 a.m.

Respectfully submitted,

Cherisse Zaima

Cherisse Zaima
Commission Support Clerk