

MINUTES

DEPARTMENT OF WATER SUPPLY
COUNTY OF HAWAI'I
WATER BOARD MEETING

September 27, 2011

Department of Water Supply, Operations Conference Room, 889 Leilani Street, Hilo

- MEMBERS PRESENT: Mr. Dwayne Mukai, Chairperson
Mr. Robert Meierdiercks, Vice-Chairperson
Mr. David Greenwell
Mr. Kenneth Kaneshiro
Mr. Bryan Lindsey
Mr. Delan Perry
Mr. Art Taniguchi
Mr. Milton Pavao, Manager-Chief Engineer, Department of Water Supply
(ex-officio member)
- ABSENT: Ms. Bobby Jean Leithead-Todd, Director, Planning Department (ex-officio
member)
Mr. Warren Lee, Director, Department of Public Works (ex-officio member)
- OTHERS PRESENT: Ms. Kathy Garson, Assistant Corporation Counsel
Ms. Emarie Carvalho, Legal Technician, Corporation Counsel (arrived 11:11
a.m.)
Mr. Harry Kim, former Mayor of Hawai'i County
Mr. Bob Akinaka
Mr. Carl Carlson
Mr. Kyle Chock, President of Kamehameha Investment Corporation
Mr. Del Green
Mr. Stan Fujimoto, HHFDC
Mr. Mike Million
Mr. Bill Brooks
Mr. Mike Dubois
Mr. Race Randle, Forest City Hawai'i
Mr. Steve Lim, Carlsmith Ball (arrived at 10:10 a.m.)
Mr. Jason Knable, Carlsmith Ball (arrived at 10:10 a.m.)

Department of Water Supply Staff

Mr. Quirino Antonio, Jr., Deputy
Mr. Kurt Inaba, Engineering Division Head
Mr. Rick Sumada, Waterworks Controller
Mr. Daryl Ikeda, Chief of Operations
Ms. Julie Myhre, Energy Management Specialist
Mr. Keith Okamoto, Engineering Division
Ms. Kanani Aton, Public Information and Education Specialist
Mr. Clyde Young, Operations
Mr. Ryan Quitariano, Engineering

- 1) CALL TO ORDER – Chairperson Mukai called the meeting to order at 10:00 a.m.
- 2) STATEMENTS FROM THE PUBLIC

(Mr. Harry Kim, former Mayor of Hawai‘i County, testified regarding the Hawaiian Ocean View water well. The following testimony is verbatim:)

MR. KIM: Thank you very much, Mr. Chairman, Members of the Commission. I’ll make it brief. First of all, it’s the first opportunity to ever address this Commission. I want to thank the Department of Water Supply. I was gonna make a list this morning of all the times I had gone through the Water Department, Milton, for help, and knowing what the legal authority is, or responsibility is, of the Water Department, and those things I was asking was outside of that. You know, for example, the hundreds of families in Kona Wonderview/Coastview would not have their water system today if it wasn’t for the Water Department approving their request to spearhead the project. And we fully realized it’s not really their responsibility or authority to do so. And I know the time and money it was gonna cost, but we asked for that help. But it was a dead end of years and years of spaghetti lines and frustration, and water bills of a couple hundred and more... it’s ridiculous. And we asked for help and he granted it, and they have a beautiful system today, including the fire protection. I remember the element of the water spigots, known as the “Waipuna,” that thousands of people, especially in Puna, Ka‘u... you know, who don’t have running water. And we asked again, Milton, if he’d consider managing the project for us. We don’t know who else to ask. And now I read in the paper... they had an opening of all the six Waipuna stations, spring water stations, and now, you know, there are thousands of people throughout the island... and growing up with catchment, I know how precious that is... to have good water. And I thank you for that. Again, asking you guys for assistance where it’s not your responsibility. And the subject I’m here for, the HOVE well. It’s the same thing; it’s not your responsibility to spearhead that, and spend your money on that, on the thousands of people there that have to drive so many miles for good water. Any kind of water... they pay a lot of money. The reason we got involved in that is because the community had asked, during the days of Civil Defense, to participate because of the fire hazard and everything else, outside of drinking water. It took them years of work, frustration, for the community to get to where they got... and that was to make a plan and request the State government for \$6 million or so to do that project. Governor Cayetano did not release the money, and we contacted him. He said it’s very difficult to release that kind of money to a community for this kind of project that has no background. But this is, again... we went to see Milton because the Governor’s request was, “I will release the money if it passes through the County government of Hawai‘i to monitor, supervise.” And again, we went to Milton, and you, to help us with this project. And they have a beautiful well today. People will not have to drive miles and miles for their water, just to have drinking water. So I’m here for two reasons. First of all, to thank you, Milton. I hear the son of a gun is retiring. But that’s okay; young guys gotta retire, too. Publicly... for all the help, all of these years, not only as Mayor, but as Civil Defense... many, many times, I’d ask you for help -- beyond your responsibility -- for the people of Hawai‘i. And I know a lotta times it did cost you money, outside of staff time. The second is to support the HOVE well. It’s a good project. It’s a needed project. So thank you very much for considering it, and I ask you to please approve it. Thank you.

(Mr. Mike Dubois gave testimony about the Hawaiian Ocean View water well. The following testimony is verbatim.)

MR. DUBOIS: Thank you for letting me speak today. We want to thank Mr. Pavao for all the hard work that he’s put in to make sure that Ocean View has a well and running water for the first time. And some of the concerns that we had, he very graciously came out and addressed those issues for the community. We had about 40 people attend the meeting at the water facility, water filling site, of which there were several concerns. One of them, which was addressed, was that entrance road. This was a road that is approximately 335 feet long, and it is 20 feet wide, but is also was built up to about six feet high, with about 60-degree sides to it; no guard rails... All built basically on gravel. So Milton has his engineers out

there and looked at this road, and we had water truck haulers bring two 6,000-gallon trucks side-by-side up that road, and park. And as Milton recognized, that this was not a safe road for two water trucks to pass each other, as which was designed, originally designed, to have two water trucks pass each other. But it's not capable of doing that. And so, it's now a one-lane, one-way road for water haulers, so that a water truck that's 350 feet up at the standpipe, as it is exiting, has to now proceed with possibly water trucks on the road on Lehua Lane, and if there's 15 trucks servicing the area, there's a possibility of congestion on the highway... which is a 55-miles-per-hour road. So we... by not having a two-lane road with a long entrance road into that filling site, we're actually opening up other problems out on the highway and our lane. So I think that has to still be addressed. The turn area on the bottleneck that we had... Milton addressed that issue with Bolton, and the extended that area, making it wider. There was an obvious bottleneck; it was not going to work the way it was, and so they agreed to widen that area at a cost of \$20,000.00... I'm not sure what they came up with, Milton, but somewhere around there. But that issue still needs to be addressed as to whose taxpayers, I feel, should really be paying for, you know, design flaws that were... gravel that had been sold by the contractor to the public, and that gravel could actually have been used to expand that area. So that needs to be addressed. We also have... the final issue, I guess, that needs to be presented here is just that the water pressure on the site may not be adequate to fill the trucks in a timely fashion. It's my understanding at this meeting that the water flow rate is considerably less than Nā'ālehu. And maybe we can address certain issues, that we can get that flow rate higher... I think it's like 150 to 175 gallons per minute, where on a 2-inch pipe in Nā'ālehu... somewhere around 250. So it's gonna take longer to fill the trucks, and so, what we have is... if you're a resident in Kona, and you have water piped to your house, you can get 30,000 gallons for about \$135.00. In Ocean View, it will cost you seven times that amount. It's gonna cost \$945.00 or so just to get 30,000 gallons. You know, we pay more for water... considerably more for water. And what we'd like... what we were hoping for, was to pay less... that the water trucks are gonna go down there, fill up and get back into the community so that we could, you know, cut our costs we're paying... It's a horrendous amount of money to have water. So because of the difficulties, these concerns, that... Some of them have been addressed, others haven't. We're still paying a very high amount of money for water. So... But other than that, we want the Department of Water Supply... I talked to several people... We feel very good about having them manage our site. I think that some of Milton's engineers have maybe not come through as well as he had hoped for... and to maybe work with some of the... with the contractor... and some of these concerns fell by the wayside. I think we have total confidence in the County to do a good job here. So, anyway, thank you for your time.

(Mr. Dubois left the meeting at 10:11 a.m.) (Mr. Kim left at 10:13 a.m.)

3) APPROVAL OF MINUTES

The Chairperson entertained a Motion to approve the Minutes of the August 23, 2011, Public Hearing on the Power Cost Charge.

ACTION: Mr. Meierdiercks moved to approve; seconded by Mr. Taniguchi, and carried unanimously by voice vote.

The Chairperson entertained a Motion to approve the Minutes of the August 23, 2011, Water Board meeting.

ACTION: Mr. Meierdiercks moved to approve; seconded by Mr. Lindsey, and carried unanimously by voice vote.

The Chairperson entertained a Motion to approve the Minutes of the September 15, 2011, Special Meeting on the Selection of the new Manager-Chief Engineer.

ACTION: Mr. Taniguchi moved to approve; seconded by Mr. Perry, and carried unanimously by voice vote.

4) APPROVAL OF ADDENDUM AND/OR SUPPLEMENTAL AGENDA
(Note: Addendum requires Roll Call Vote)

The Chairperson asked to move up Items 6(B), WATER AGREEMENT -- KEŌPŪ – HHFDC WELL NO. 3957-05, 6(C), AMENDMENT OF WATER FACILITIES AGREEMENT - SEASCAPE DEVELOPMENT, LLC, and 6(D), AGREEMENT BETWEEN ESTATE OF BERNICE PAUAHI BISHOP, KAMEHAMEHA INVESTMENT CORPORATION (KIC) AND THE DEPARTMENT OF WATER SUPPLY, ahead of Item 5(A) JOB NO. 2011-973, PĀHOA DEEPWELL #2 REPAIR. This was to accommodate several members of the public attending who were involved with these Items.

6) NORTH KONA:

B. WATER AGREEMENT -- KEŌPŪ – HHFDC WELL NO. 3957-05:

The Developer, Forest City Hawaii Kona, LLC, (through the Hawaii Housing Finance and Development Corporation, HHFDC), wishes to enter into a development agreement for a new potable water source, storage and transmission facilities to service their development, Kamakana Villages at Keauhoulu. Kamakana Villages at Keauhoulu has been certified as a HRS 201H affordable housing project by the County of Hawai'i.

The agreement sets out the requirements for the development of the existing Keōpū-HHFDC Well No. 3957-05, which has been drilled and tested by the State, along with its supporting facilities. The agreement also outlines the initial assignment of equivalent units, as well as the subsequent assignment(s) of equivalent units.

The Manager-Chief Engineer recommended that the Water Board approve the Water Agreement between Forest City Hawai'i Kona, LLC and the Water Board of the County of Hawai'i, and that either the Chairperson or the Vice-Chairperson be authorized to execute the document subject to review as to form and legality by Corporation Counsel.

MOTION: Mr. Meierdiercks moved to approve; seconded by Mr. Greenwell.

The Manager-Chief Engineer explained that this project involves approximately 2,300 affordable housing units in the Kealakehe area.

Mr. Race Randle, who is with the developer, Forest City Hawai'i, said the project is on a 270-acre parcel along the new Mid-Level road. The developer wants to get this project moving and to have it as affordable as possible, since this lower-priced, entry-level housing is the only current market in need of housing. This project is Forest City's biggest project on the island. Water is critical to getting this project moving forward – to enable construction to begin.

The Manager-Chief Engineer said that under the agreement, DWS commits to 390 units to enable Forest City to start the planning and permitting process. In return, Forest City will develop a well, through standard procedures whereby DWS gets one-third of the water and Forest City gets two-thirds of the water. This agreement gives Forest City assurance that they can proceed with the initial phase.

Mr. Meierdiercks asked about the project's current timeline.

Mr. Randle said that Forest City will bid out construction for the first phase; waterlines to the project have already been installed on the Mid-Level Road. Next will be Well No. 1, which has already been drilled and encased. It needs to be tested and outfitted, Mr. Randle said. After that, Forest City will be

going out for bids on the actual implementation of the pump system. Following that, the tank will be constructed. Forest City has lined up financing for the well, so once DWS approves the agreement, Forest City can pull the trigger on getting the contractors in place, he said.

Mr. Perry asked about the quality of water found in the well.

Mr. Randle said that the water had actually been tested at the time it was drilled.

The Manager-Chief Engineer said that it is the typical high-level aquifer in Kona, which is water that is trapped up mauka such as that found in other wells in the area. The water quality is exceptionally good; it is almost like rain water, he said.

Mr. Inaba noted that Forest City still needs to complete the State process to get Department of Health (DOH) approvals.

Ms. Garson noted that the agreement has language calling for a 25-year term of irrevocability of the units; normally the Board only approves 20-year terms.

Mr. Meierdiercks said that is probably because it is a total 20-year build-out on the project. With construction delays, etc. that the developer is anticipating up front, the 25 years should cover it.

Ms. Garson confirmed this.

(Mr. Steve Lim, the developer's attorney, spoke away from a microphone, and was inaudible.)

Ms. Garson said that Mr. Lim just wanted the Board to know that they had made some changes to the agreement; the version in the Board's packets was different.

Mr. Lim said the changes were only technical or punctuation changes; there were no substantive changes to the agreement.

ACTION: Motion carried unanimously by voice vote.

(Messrs. Fujimoto, Lim and Knable left the meeting at 10:20 a.m.)

C. **AMENDMENT OF WATER FACILITIES AGREEMENT - SEASCAPE DEVELOPMENT, LLC:**

On October 28, 2008, Seascape Development, LLC ("Seascape") and the Water Board entered into a Water Facilities Agreement for the development, construction, and installation of certain improvements and other water transmission-related facilities in the vicinity of the Water Board's existing Kalaoa Well. Seascape was to also complete the engineering and design work, and assign the same, as well as obtain all necessary permits in accordance with DWS requirements within one year of the executed Agreement.

The deadline of October 28, 2009, was extended to October 28, 2010, by the Water Board at its meeting of September 22, 2009. The Water Board approved a second amendment to the Water Facilities Agreement to extend the submittal deadline to October 28, 2011, at the Water Board's meeting of October 26, 2010. In both cases, the reason was the challenging economy, which made it impossible for Seascape to proceed on schedule.

Seascape is proposing a third amendment to the Water Facilities Agreement to extend such submittal deadline to October 28, 2012. They feel that this new deadline will enable them to meet their obligations in the current economic climate.

Staff has reviewed the Third Amendment of Water Facilities Agreement and finds it acceptable.

The Manager-Chief Engineer recommended that the Water Board approve the Third Amendment of Water Facilities Agreement, subject to review as to form and legality by Corporation Counsel.

MOTION: Mr. Kaneshiro moved to approve; seconded by Mr. Perry.

The Manager-Chief Engineer noted that even if Seascope had not asked for this extension, DWS is not ready to do its portion of the project anyway. DWS has no problems with granting the extension because DWS does not have money for the tank anyway.

Mr. Bill Brooks, representing Seascope, explained that in the current economic straits, nobody can afford to put forward the things in the agreement. Once Seascope's work is finished, then it will be DWS's responsibility to proceed with the development of the well. That would have benefit to Seascope because it would give the developer access to the water that would be stored in the 1-million gallon reservoir. DWS has purchased the reservoir site, and the bulk of the engineering work, the environmental assessment (EA), etc., have been done already. However, in the current economic circumstances, the market is not viable for a developer to market his units.

The Manager-Chief Engineer said that the good thing about the agreement is that it gives DWS a much-needed well site in Kona.

Mr. Brooks said the reservoir site is in Kalaoa, near the existing Kalaoa well. The 1-million gallon reservoir, once completed, will facilitate the increase in production from the well.

Ms. Garson noted that in the original agreement, one of DWS's obligations was to purchase this site, which it did, for \$500,000.00 in 2009. DWS is now waiting for Seascope to do their portion of the agreement, which is the design work.

Mr. Taniguchi said the timing might not be good right now, but when Seascope fulfills its portion of the agreement, then things can proceed. He said that the Board seems to be just waiting and waiting year to year; if he himself was out \$500,000.00, he would not be too happy.

Mr. Brooks said that was understandable. However, it does not serve any of the parties to move forward until DWS is ready to move forward with the development of the well and the transmission lines, etc. He said his understanding is that this will not happen anytime soon. The number of things that Seascope needs to do will not take that long to complete. The tasks include finishing up the engineering of the transmission lines; the engineering of the reservoir site has already been done, he said. The only thing that needs to be done is the completion of the engineering of the transmission lines connecting the two reservoirs. Once that is done, the capacity will increase and there will be a place to store the water.

Mr. Taniguchi asked, if the remaining engineering work will not take that long, why the work would take a year.

Mr. Brooks said it was not a matter of the engineering work taking a year. It is just a matter of money. Without the water, the developer cannot do anything with the parcels that this whole project was designed to facilitate. DWS cannot provide the water for those parcels without the improvements that DWS itself would have to do, Mr. Brooks said.

Chairperson Mukai asked how long it would take to get everything in place to provide water to the parcels.

The Manager-Chief Engineer asked whether this was assuming that both Seascope and DWS have the money.

Chairperson Mukai acknowledged that DWS does not have the money to develop it anyway, but asked hypothetically how long it would take for DWS to provide the infrastructure.

The Manager-Chief Engineer said a normal well site would take about eight months.

Mr. Inaba said for the tank and transmission lines, it would probably take nine months to one year.

Chairperson Mukai, acknowledging that the intent of this project is to provide water to the development of the parcels, asked what impact this well would have on the general community.

The Manager-Chief Engineer said that whenever additional capacity is put into the system, the entire community benefits from improved reliability of the system. He noted that even if DWS had the money right now, the Department has more important projects to do as a water supply, and would not be spending its money on this project.

Mr. Perry asked Mr. Brooks the likelihood that this project will be ready to go a year from now.

Mr. Brooks said that he is definitely seeing more movement in the market than there has been in the past couple of years. The excess inventory in the housing market has to be gotten rid of before the market can start to recover. Assuming that conditions improve, it will still be a year to a year and a half out, because Seascope still has to go through the re-zoning process, etc., which takes time. He expressed hopes that in the interim, Seascope can do their portion, and DWS can fulfill their end of the bargain, which would facilitate the availability and commitment of the water units. This will be absolutely necessary for Seascope to actually capitalize on their investment, in working with DWS to create more water in that area.

Mr. Taniguchi asked what benefit there is for DWS in buying this site, if Seascope is not there.

The Manager-Chief Engineer said it is a benefit because all of the developers in Kona are looking for sites. It is of great benefit to DWS because the site is on the same elevation as the rest of the reservoirs in the area; it fits perfectly into DWS's system. Developers in the area tend to buy up sites like this faster than DWS can, he added.

Mr. Taniguchi asked if another developer could conceivably use the site.

The Manager-Chief Engineer said yes, that could happen.

Mr. Taniguchi said that if the project does not have its ducks in a row in terms of engineering that Seascope is supposed to do, then the project cannot go forward. He said that by delaying the engineering and the other things that have to be done, it will push things back that much further – even if it is not a priority of DWS's. He asked what would happen if somebody else came in and wanted to develop the area and wanted water.

The Manager-Chief Engineer said he did not understand what Mr. Taniguchi meant by “somebody else.” DWS could not let somebody else use the DWS site. He said that the reason that the staff recommended approving this extension is that DWS is in no position to finance it anyway; the Department has more important things to do.

Mr. Taniguchi asked why DWS should extend the agreement for another year, and also asked why DWS does not get the Seascope engineering, etc., done anyway, so that at least those tasks are taken care of.

Mr. Brooks explained that Seascope invested about \$1.5 million even before they sold the site to DWS for \$500,000.00. It was a long, drawn-out process, whereby Seascope had to do all of the engineering, geotechnical and archaeological work, along with the EA, the well testing, etc., to prove that the project would be stable and sound. When it was all said and done, Seascope had invested \$1.5 million.

Mr. Brooks said that the developer, like everybody else, got caught in the economic downturn, and is in pretty dire straits. The developer is just sitting there having to wait; there is nothing they can do. Just like having the reservoir site is of great future benefit to DWS, the future benefit for Seascape is there once the water can be made available, Mr. Brooks said.

Chairperson Mukai said that he feels for the developer in this situation, and he is inclined to vote in favor of the Motion to extend. However, he would strongly urge the Board not to approve a further extension if another request comes in next year.

ACTION: Motion carried unanimously by voice vote.

(Mr. Brooks left the meeting at 10:37 a.m.)

D. AGREEMENT BETWEEN ESTATE OF BERNICE PAUAHI BISHOP, KAMEHAMEHA INVESTMENT CORPORATION (KIC) AND THE DEPARTMENT OF WATER SUPPLY:

The Trustees of the Estate of Bernice Pauahi Bishop (KS) and Kamehameha Investment Corporation (KIC) are requesting to enter into an agreement with the Water Board to allow the transfer of water units that were previously assigned and used on Tax Map Key 7-8-013-002 (the "Property"), through a 4-inch meter to Lands that are currently owned by KS and/or KIC within the same pressure zone and serviced from the same reservoir.

The water service to the Property was used for the former 462-room Kona Lagoon Hotel until it was razed and replaced with a pavilion and other amenities. The agreement specifies that KS/KIC will cut and plug the existing service lateral for the 4-inch meter and replace it with an appropriate-sized lateral, based on the current and foreseeable water usage. The balance of the 235 units that are assigned through the 4-inch meter will then be available for KS/KIC, to reallocate to their lands currently owned and serviced by the same reservoir.

The Manager-Chief Engineer recommended that the Water Board agree to the Water Agreement between the Trustees of the Estate of Bernice Pauahi Bishop and Kamehameha Investment Corporation and the Water Board of the County of Hawai'i, and that either the Chairperson or the Vice-Chairperson be authorized to execute the document, subject to review as to form and legality by Corporation Counsel.

MOTION: Mr. Meierdiercks moved to approve; seconded by Mr. Taniguchi.

Mr. Kyle Chock gave an overview of the rich historical and cultural significance of the Keauhou-Kahalu'u legacy lands owned by Kamehameha Schools, in which the subject property lies. Mr. Chock thanked DWS for the work done on the transfer of credits on the 235 water units at the former Kona Lagoon site. Mr. Chock said that much restoration work is being done on the cultural sites in the area, and this work will continue. He asked the Board's support of the agreement to transfer the water credits.

The Manager-Chief Engineer explained that the old Kona Lagoon had a 4-inch meter, of which the average use was about 235 units per day. This agreement allows KIC to use the 235 units on properties owned by them in the same area, with the water coming from the same reservoir that was used by the Kona Lagoon. This agreement allows KIC the same 235 units, for use on other lands, so long as the water comes from the reservoir that Kona Lagoon once drew from. This arrangement poses no detriment to DWS, and is a good situation whereby KIC maintains the 235 units that they were entitled to when the Kona Lagoon was operating. It allows KIC to develop culturally significant lands in the area for preservation purposes.

Mr. Greenwell asked whether the 4-inch meter was gone.

The Manager-Chief Engineer said not yet, but the meter will be capped and removed, and an appropriate-sized meter will be installed.

Mr. Meierdiercks asked how many units would be used at the existing site.

The Manager-Chief Engineer said it would initially be around 11 units.

Mr. Inaba said that currently they are using two units.

The Manager-Chief Engineer said he had spoken with Mr. Bob Akinaka, the consulting engineer for KIC, who said that KIC wanted to have about 11 units of water stay on that site.

ACTION: Motion was carried unanimously by voice vote.

(Messrs. Chock, Carlson, Akinaka, and Green left the meeting at 10:43 a.m.)

5) PUNA:

A. JOB NO. 2011-973, PĀHOA DEEPWELL #2 REPAIR:

This project generally consists of the replacement of the existing submersible pump, motor, column assembly, cable and appurtenances.

Bids for this project were opened on September 15, 2011, at 2:30 p.m., and the following are the bid results:

Bidder	Bid Amount
Derrick's Well Drilling & Pump Services, LLC.	\$133,803.88
Beylik Drilling & Pump Service, Inc	\$139,000.00

Project Costs:

1) Low Bidder (Derrick's Well Drilling & Pump Services, LLC)	\$ 133,803.88
2) Contingencies	\$ 13,380.39
Total Cost:	\$ 147,184.27

Funding for this project will be from DWS's CIP Budget under Deepwell Pump Replacement. The contractor will have 180 calendar days to complete this project.

The Manager-Chief Engineer recommended that the Board award the contract for JOB NO. 2011-973, PĀHOA DEEPWELL #2 REPAIR to the lowest responsible bidder, Derrick's Well Drilling & Pump Services, LLC, for their bid amount of \$133,803.88 plus \$13,380.39 for contingencies, for a total of \$147,184.27. It is further recommended that either the Chairperson or the Vice-Chairperson be authorized to sign the contract, subject to review as to form and legality, by Corporation Counsel.

MOTION: Mr. Meierdiercks moved to approve; seconded by Mr. Perry.

The Manager-Chief Engineer said this project is a routine one, to replace an existing pump.

Mr. Young said it is a normal operational type of repair; a motor burned out so it needs to be repaired.

Mr. Meierdiercks asked if 180 days would be sufficient.

Mr. Young said the time was so that DWS could place the order for the pump.

Chairperson Mukai asked whether a pump was available, or whether a custom pump would have to be built.

Mr. Young said the manufacturer still needs to put together a pump, but these parts are more readily available.

The Manager-Chief Engineer said that most pumps are custom, because of the specific GPM (gallons per minute) and head on the well. Pumps are simply not shelf items, he said.

Chairperson Mukai said that he heard from people at the national conference that other jurisdictions do not have DWS's problem with having to get custom pumps.

The Manager-Chief Engineer said the pumps on the Mainland are for depths of 80 or 100 feet, while DWS's pumps are for 800 to 1,000 feet.

ACTION: Motion carried unanimously by voice vote.

6) NORTH KONA:

A. **JOB NO. 2003-823: PALANI ROAD TRANSMISSION WATERLINE (MĀMALAHOA HWY TO PALANI NO. 2 RESERVOIR):**

The contractor, CTS Earthmoving, Inc., has submitted a request for a contract time extension of thirty-three (33) calendar days, due to a delay by HELCO.

This would be the third time extension to the contract.

If approved, the contract completion date will be extended from September 29, 2011 until October 31, 2011. Engineering staff has reviewed the request, and finds that the thirty-three (33) calendar day time extension is a reasonable request by the contractor to allow HELCO to get on site and complete their work and then for CTS to do operational testing and full start-up.

Extension #	From (Date)	To (Date)	Days (Calendar)	Reason
1	8/21/11	9/07/11	17	Add'l Work Request by DWS
2	9/07/11	9/29/11	22	Add'l Work Request by DWS
3	9/29/11	10/31/11	33	HELCO DELAY
		TOTAL	72	

The Manager-Chief Engineer recommended that the Board grant this extension of contract time of thirty-three (33) calendar days, to CTS Earthmoving, Inc., for JOB NO. 2003-823, PALANI ROAD TRANSMISSION WATERLINE (MĀMALAHOA HWY TO PALANI NO. 2 RESERVOIR).

MOTION: Mr. Meierdiercks moved to approve; seconded by Mr. Kaneshiro.

Mr. Inaba explained that despite all of DWS's communications to HELCO to have the electrical service be installed at the new 935 tank site, it was learned that HELCO was instead preparing for installation at the new 595 tank site – which already has electrical service. DWS found out about the miscommunication through the project's electrical subcontractor, and DWS stepped in. As a result, HELCO had to go back and reschedule installation at the new 935 tank site, where there is no current HELCO service, Mr. Inaba said. He noted that this project will serve three separate tanks:

- The existing 935 tank;
- The new 935 tank (completely separate from our existing system, which then feeds down into:
- The new 595 tank, which is adjacent to our existing reservoir site.

He said that there is electrical service at the existing 935 tank and the new 595 tank; electrical service for the only site lacking it, the new 935 tank, is expected to be installed the first week of October.

ACTION: Motion carried unanimously by voice vote.

B. WATER AGREEMENT -- KEŌPŪ – HHFDC WELL NO. 3957-05:

(This Item was handled earlier in the meeting.)

C. AMENDMENT OF WATER FACILITIES AGREEMENT - SEASCAPE DEVELOPMENT, LLC:

(This Item was handled earlier in the meeting.)

D. AGREEMENT BETWEEN ESTATE OF BERNICE PAUAHI BISHOP, KAMEHAMEHA INVESTMENT CORPORATION (KIC) AND THE DEPARTMENT OF WATER SUPPLY:

(This Item was handled earlier in the meeting.)

7) **KA‘U:**

A. AGREEMENT WITH COUNTY OF HAWAI‘I FOR MANAGEMENT OF NEW WATER FACILITY IN HAWAIIAN OCEAN VIEW ESTATES:

The Department of Water Supply (DWS) is proposing that it enter into an agreement with the County of Hawai‘i (“County”) Water Board for the operation and maintenance of the Hawaiian Ocean View Water System. The County received \$6 million for the development of a basic water system with a well, storage tank and a fill station for the Hawaiian Ocean View Community. Rather than dedicate the system to DWS at this time, this agreement gives the Water Board the authority to manager, operate, maintain, and collect user fees for the water system.

The Manager-Chief Engineer recommended that the Water Board approve the Agreement between the County of Hawai‘i and the Water Board of the County of Hawai‘i, and that either the Chairperson or the Vice-Chairperson be authorized to execute the document subject to review as to form and legality by Corporation Counsel.

MOTION: Mr. Perry moved to approve; seconded by Mr. Greenwell.

The Manager-Chief Engineer said this is an agreement between DWS and the County to give DWS the authority to operate, maintain and collect user fees from the water system. As former Mayor Kim said earlier today, the monies for the project were allocated to the County, and then-Mayor Kim asked DWS to administer and oversee the project; DWS did so. The facility still belongs to the County, but for DWS to operate and maintain the water system, DWS needs the legal authority to do so. This agreement accords that legal authority to DWS, he said. This kind of licensing agreement is not unprecedented; DWS has similar licensing agreements with Hawaiian Homes for their water systems, he said. The reason for that is that Hawaiian Homes is not allowed to turn over anything that they own; therefore licensing agreements for their water systems are necessary. This is the first time that DWS has entered into a licensing agreement with the County of Hawai‘i to operate and maintain a water system; the County completely owns the system.

Mr. Kaneshiro asked whether this was the community that wanted to take over the operations of the facility.

The Manager-Chief Engineer said the community had told the current Mayor that they wanted to operate and maintain the water system, and no decision has been made yet. The decision does not lie with DWS. This agreement serves as a good interim vehicle of authority for DWS to operate and maintain the system, and collect fees.

Mr. Kaneshiro asked whether, if the County decides that the community can operate and maintain the system, DWS would just transfer the system to the community.

The Manager-Chief Engineer said yes.

Mr. Kaneshiro asked whether this was just an interim management contract.

The Manager-Chief Engineer said yes.

Mr. Meierdiercks said yes, in a sense, the Department is not taking over the system; the Board is taking it over.

The Manager-Chief Engineer said that the Board is the authority for DWS; if the Board approves the agreement, DWS would maintain and operate the system.

Mr. Meierdiercks wanted to clarify that the system will not be accepted by DWS. Instead, the Board will be accepting the system, he said.

The Manager-Chief Engineer said that is correct. The Board will accept the *authority* to operate and maintain the system, and DWS has accepted the system in the sense that the system was constructed according to DWS standards. However, DWS does not own the system; the County owns the system.

Mr. Taniguchi asked about the safety concerns raised by Mr. Dubois earlier today.

The Manager-Chief Engineer said that contrary to what the gentleman said, everything has been done in accordance with the plans. The facility is safe. The road there was never intended for two trucks to go up at one time. The site itself can accommodate about three trucks at a time, and two trucks can fill up simultaneously, he said. He noted that the fill station there is probably the best one on the entire island, thanks to the monies from the State. If he were an HOVE resident, he would be very happy with the facility.

Mr. Taniguchi asked whether the safety concerns that were raised would be addressed at the County level.

The Manager-Chief Engineer said the Department had addressed all of these concerns at the meeting that Mr. Dubois mentioned earlier. The only area that the Department saw that was justifiably in need of a change was the radius, which DWS agreed to do. Everything else is perfectly all right, and DWS sees no other problems, he said.

Mr. Taniguchi asked whether DWS would be the overseer of the site.

The Manager-Chief Engineer said yes.

Mr. Taniguchi asked whether, regardless of whether the concerns are baseless or not, the community will still come in front of the Board to complain.

The Manager-Chief Engineer said that is always the community's prerogative; they can come before the Board anytime they want to.

Mr. Lindsey asked what degree of liability DWS bears now, as opposed to what this agreement proposes.

The Manager-Chief Engineer said the liability that DWS bears would be similar to that at any other fill station that DWS has on the island. The only difference is that this fill station is really first class; two trucks can fill up at this fill station, whereby at other locations, only one truck can fill up at a time. He noted that the spigots for the general public are separated from the trucks. DWS did agree to increase the radius, which enhances safety. The road is nice and wide for one truck; it was never made for two trucks to be side-by-side. Under this agreement, DWS would bear liability, as it does at any other site, he said.

Mr. Greenwell asked who is responsible for maintenance of the facility if this arrangement goes on for years and years with no changes made by the County. He asked who, for example, is responsible if the spigots break, or if someone does graffiti or runs through the chain-link fence or tears down the gate.

The Manager-Chief Engineer said there are various degrees of responsibility, like at any other spigot site. The Department of Public Works (DPW) helps DWS maintain the site, keep it clean and take away the rubbish, etc. If somebody breaks the fence, it would be DWS's liability, although technically, the County owns it. Therefore, if any damage occurs, DWS would seek assistance from the County. He noted that the land is in the name of the County, and the monies to build the facility were given to the County – not to DWS.

Mr. Taniguchi noted that this site will serve both the water haulers and the general public, and asked whether DWS would have the right to assess a water charge in the future.

The Manager-Chief Engineer said yes, definitely, it would have such a right.

Mr. Taniguchi asked whether DWS would have control over that.

The Manager-Chief Engineer said yes. Currently, because the matter was never brought to the Board, the prices are going to be the same as every place else – until such time as the Board decides to levy a special rate.

Mr. Taniguchi asked about rates for private individuals.

The Manager-Chief Engineer said that currently, it is free for individuals. DWS will read the meters, and send the bill for water use by the general public to DPW.

Mr. Taniguchi asked if the Board wanted to charge the general public for spigot use, could the Board do so.

The Manager-Chief Engineer said that would apply island-wide.

Mr. Meierdiercks said that DWS ought to keep track of the specific cost for this facility, and see where it stands after six months or a year. This would enable DWS to determine that it is costing DWS more to run the facility, and enable DWS to have special pricing for the HOVE facility.

The Manager-Chief Engineer said that for the Board's information, the typical well in Hilo is about 205 feet deep, while the typical well in Kona is 1,800 feet. The HOVE well is 2,200 feet deep.

Chairperson Mukai asked whether the scenario at HOVE would be the same as the arrangement with the standpipe systems, whereby DPW takes care of the charges for the private usage (i.e., DPW pays DWS for the general public's water usage).

The Manager-Chief Engineer said yes.

Chairperson Mukai asked about Mr. Dubois's complaint about water haulers paying a much higher rate for the HOVE water.

Mr. Inaba said the water haulers at HOVE pay the same rates as anywhere else. What is higher is the cost of delivery of the water, i.e., what the water haulers themselves charge.

The Manager-Chief Engineer said DWS has no control over that whatsoever.

Ms. Garson noted that the way that the agreement is written is that DWS has the obligation to maintain the site. If the County (i.e., DPW) contributes for certain things, it would be because DWS has worked something out with DPW. However, the way the agreement is written, DWS will be maintaining and operating the facility *as if* it actually owned the facility. DWS can charge for usage as if it owns the facility; it is just that DWS does *not* own it.

Chairperson Mukai asked whether this system would increase DWS's need to hire personnel to maintain it. He noted that the HOVE system is a large system.

The Manager-Chief Engineer said currently there was no need to hire personnel. Currently, DWS can send somebody from either Hilo or Ka'u; it depends on what is needed. If the need is for electrical repairs or maintenance, a person would go out from Hilo because Ka'u does not have electrical personnel. Nine times out of ten, when things go wrong at a well, it is an electrical problem, he said. The new system will put a bit more of a burden on the Hilo personnel, but currently there is no need to hire more staff. However, Ka'u district is getting close to the point where DWS should have a dedicated electrician in Ka'u. He cited the well in Nā'ālehu, the well in Pāhala, the booster pumps in Nā'ālehu and Wai'ōhinu, as well as the new system in HOVE.

Mr. Perry asked if there were separate accountings for these sets of standpipes.

The Manager-Chief Engineer said whenever DWS personnel go out to do work in the field, the staff member does a work order, with different codes to differentiate where and what the staff is working on. Therefore, it is easy to make a reckoning on what is done.

Mr. Perry asked if DWS does contemplate a separate charge for HOVE, whether DWS would have the financial data to back that up.

The Manager-Chief Engineer said yes, DWS would have the necessary financial data to back it up.

Chairperson Mukai asked how to differentiate between the water haulers and the private consumers, with regards to charging.

The Manager-Chief Engineer said there are 10 compartments for the water haulers, with two sets of standpipes, and each standpipe has five meters. Each meter would be individually assigned to a trucker, whereas the spigots for the general consumer will have just one meter, billed to DPW. The truckers will have their own meters, and they will be responsible for paying for their water entirely to DWS. DWS will send DPW billings for the general consumer usage just like DWS does for any other account, he said.

ACTION: Motion carried unanimously by voice vote.

B. GATE AGREEMENT WITH THE OCEAN VIEW COMMUNITY ASSOCIATION, INC.:

In various meetings with the Hawaiian Ocean View community, many community members expressed a desire to have a locked gate at the new spigot site entrance, to reduce the potential for the site to become a place where people congregate in the evenings. If the Department of Water Supply (DWS) manages

the site, it recommends that an agreement be made with the Ocean View Community Association, Inc., to open and lock the gates at the beginning and end of the agreed-upon hours of operation.

The Manager-Chief Engineer recommended that the Water Board authorize the DWS to enter into an agreement with the Ocean View Community Association, Inc., regarding the locking of the gates, and that either the Chairperson or the Vice-Chairperson be authorized to execute the document, subject to approval by the Manager-Chief Engineer and the Corporation Counsel.

MOTION: Mr. Meierdiercks moved to approve; seconded by Mr. Greenwell.

The Manager-Chief Engineer said that the neighbors had expressed concerns about light shining into their house all night. In addition, the Environmental Assessment (EA) had stipulated that the fill station shall only operate during daylight hours.

Mr. Inaba said that the discussion regarding the fill station had been to have it a locked site; it was not going to be a 24-hour filling operation.

The Manager-Chief Engineer said the Department was meeting with the HOVE community this Thursday to give an update, and to explain the need for an agreement whereby somebody would lock and unlock the fill station every day. The agreement on the floor is asking the Board to pre-authorize DWS to do a gate agreement so that the site can be locked and unlocked every day, to comply with the EA and to ease the neighbors' quality of life concerns (i.e., to assure them that truckers will not be coming in and out at all hours of the night).

Mr. Taniguchi asked if there was a cost associated with locking and unlocking the gate.

The Manager-Chief Engineer said DWS going to try to have this gate agreement with no cost to DWS. It would mean having someone in the community responsible for locking and unlocking the gate, so DWS plans to bring it up with the HOVE residents association. Hopefully, the association will agree, he said.

Mr. Taniguchi asked what happens if somebody from the community does not open the gate in the morning.

The Manager-Chief Engineer said in that case, somebody from DWS in Wai'ōhinu will have to go out to HOVE to open the gate. That will probably happen a few times, he added. It was never DWS's intention to hire somebody to lock and unlock the gate, he said. He said he hoped that the residents association would be amenable to having somebody in the community responsible for handling the gate, at no cost.

Chairperson Mukai said that proper consideration should be given as to where to place the gate. He expressed concern that truckers might be parking on the highway as they waited for the facility to open in the morning.

The Manager-Chief Engineer said the gate is at the bottom, but nobody will be parking on the State highway; the truckers can park on Lehua Lane.

Mr. Meierdiercks asked what the hours of operation would be.

The Manager-Chief Engineer said the hours will probably be from 6:00 a.m. to 6:00 p.m.

Mr. Meierdiercks asked if the Manager-Chief Engineer could give a report next month.

The Manager-Chief Engineer said sure, he would have the results from the meeting this Thursday in HOVE.

ACTION: Motion carried unanimously by voice vote.

(Mr. Million left the meeting at 11:10 a.m.)

8) MISCELLANEOUS:

A. REPORT OF AD HOC FINANCE COMMITTEE:

The Water Board's Ad Hoc Finance Committee Chairperson, Mr. Art Taniguchi, has been investigating the three focus areas (DWS's policies on credit card use, cash control and vehicle take-home), which encompass the scope of the Committee's work. At this meeting, the Committee may do the following:

- Possible approval of DWS's vehicle policy, based on modifications following union comments;
- Decals on DWS vehicles;
- Discussion of DWS's cash handling procedures and proposed changes. Discussion may include a possible switchover to Oahu's billing system.

Mr. Taniguchi noted that the vehicle policy was included in the Board's packets for members to review. It is still a work in progress, and a couple of suggested changes have come up, he said. He asked the Board to review the policy and make any suggestions for revisions.

Ms. Garson said the vehicle policy could be put on next month's Agenda for approval, and the Board could at that time suggest any changes, and then approve the policy.

Mr. Meierdiercks said it is a work in progress, so the Board could approve it up to a certain date, and then it could always amend the policy once it is set.

The Manager-Chief Engineer pointed out that because the vehicle policy is a Departmental policy, it is not for the Board to approve; it is for the Manager-Chief Engineer to approve. The idea is for the Board to review it to make sure the Board feels comfortable with it, but it is the Manager-Chief Engineer who approves it.

Turning to the billing procedures, etc., Mr. Taniguchi said the Committee is still working on it, and the Committee will report on it at a later date.

B. DISCUSSION REGARDING DRAFT OF PROPOSED RULE CHANGE REGARDING WATER SERVICE TO CONSUMERS/RESPONSIBILITY FOR PAYMENT OF BILLS:

Ms. Garson said she had distributed a draft of her proposed Rule changes, but noted that she was not terribly pleased with the draft she did. She also said that she had only given Customer Service the draft the day before, so there was not enough time for Customer Service to review the draft and make comments. She said that the draft basically holds the owner of a property responsible for all charges to the property. For this to work, the owner must co-sign the application for water service; the owner must be a co-signatory. In this way, the owner will have a contractual relationship with DWS. DWS cannot place a lien on a property. She said the drafting got rather complicated when it came to talking about family members signing up for service. She said that by getting the owner to sign off on an application, it will pretty much work the same way because the owner is responsible, in addition to the tenant being responsible. She noted an instance that Customer Service dealt with, whereby a tenant was not paying rent to the landlord, and the landlord asked DWS to shut off the tenant's water. Right now, DWS cannot oblige the landlord. So long as the tenant is current on his bill to DWS, they are considered by DWS to be the applicant. A landlord cannot constructively evict a tenant by making DWS turn off the water. However, with the owner now being responsible if the tenant does not pay his water bill, there should *also* be language to the effect that if the tenant is current on his water bill, then the water cannot

be shut off (due to a dispute over rent). Ms. Garson said that she had not drafted around that kind of situation. Another situation that Ms. Garson thought about after doing the draft involved the notification of the owner as soon as the tenant's bill goes into arrears. The reason to do that would be to avoid having the delinquency go on and on. She asked Customer Service how they would be affected if they had to notify the owner every time a tenant is delinquent; Customer Service did not have a chance to respond because she had only pitched it to Customer Service last night.

Mr. Greenwell commented that if the tenant keeps paying the water bill, the landlord cannot strong-arm the tenant.

Ms. Garson said yes, but what bothered her was that the owner is basically a co-applicant. This raises questions of who has control of the water service – the tenant or the owner, she said. Other jurisdictions have had the owner as co-applicant, but it is a matter of finding out how their Rules work in practice. Maui's Rule, for example, has the owner acting basically as a guarantor. The owner in that case is *not* the applicant; the owner is like a guarantor. DWS can work it that way, she added.

Mr. Taniguchi thanked Ms. Garson for her work on the draft, and said it was very important for DWS to be able to collect more easily. He suggested wording to the effect that no water service would be restored to whatever property unless the water bill is paid; this would not identify who was responsible. In this way, DWS would not care who was responsible. It would alleviate putting Customer Service in the middle of a dispute between the tenant and the owner, he said. This way it would be straightforward: if the water bill is not paid, DWS will shut the water off; to reinstate the service, the bill has to be paid, Mr. Taniguchi said.

Ms. Garson said that in general, an entity (or party) cannot hold a third party to pay someone else's debt, unless there is some sort of contract or statute which imposes it. There were cases where DWS refused service to a tenant, where it was the previous tenant's delinquency. The 9th Circuit Court shot that down, Ms. Garson said. She pointed out that a person, and not a property, would have to be held responsible. Otherwise there would be nobody to sue.

The Manager-Chief Engineer said that is why DWS should have the owner guarantee the payment; that is probably the better way of doing it.

Ms. Garson said that sounds more like a lien. In order to put a lien on a property in the event of a delinquency, there must be some statutory authority. DWS cannot simply create a lien.

Mr. Taniguchi said he was not thinking of a lien.

Ms. Garson said it would be like a lien is attached to the property.

Mr. Taniguchi said that his suggestion is simply that if DWS is providing service to a property, and the bill is not paid, then DWS will not reinstate service until the bill is paid. That is it, he said. In that way, DWS would not have all these people come in to sign the application for service. It alleviates the need for Customer Service to act as a referee between the tenant and the landlord, he said. It would be a simpler solution, he said.

Ms. Garson said no, it would require a statute in the Hawai'i Revised Statutes.

Mr. Inaba said DWS cannot make it a Rule when people sign up for service.

Ms. Garson said that DWS cannot hold a third party (i.e., the owner) to pay the tenant's debt, unless there is a contractual relationship where the owner is on the hook.

The Manager-Chief Engineer said the owner should be made the guarantor.

Ms. Garson noted that the Waste Water Division has the owner sign the application for service.

Ms. Garson said she was trying to coordinate with Waste Water so that DWS and Waste Water have the same Rules, because Waste Water uses DWS's application to set up their accounts. Right now, Waste Water gets DWS's applications; Waste Water checks the TMKs, and if the TMK is not the same as the owner, Waste Water contacts the owner to sign the application and designate that person to receive the bill. In this way, Waste Water is trying to clean up their collections and account management. That is why Ms. Garson wanted to coordinate with Waste Water to come up with the same set of Rules. Waste Water is on the same path as DWS, with regard to owner responsibility.

Mr. Meierdiercks wondered if DWS could have attachments to the deed of properties, written into law, such as HELCO has when there is a transfer of property ownership.

The Manager-Chief Engineer asked whether he meant that such attachments would make the owner responsible.

Mr. Meierdiercks said yes, that is what he meant. Attachments for access to water (as in access to electrical service) would actually become part of the deed.

Ms. Garson said she was not familiar with that.

The Manager-Chief Engineer said he did not know how it can be worked out legally and equitably, but he had no doubt that the owner should have some degree of responsibility. The desired result is to have DWS be able to withhold service from a property owner until a tenant's delinquent bill is paid.

Mr. Lindsey posed a scenario where a tenant leaves a water pipe on and runs up a \$5,000 bill. He asked whether DWS would stick the owner with that \$5,000 bill if the tenant does not pay.

Ms. Garson said that when the owner is responsible as co-signatory, and the tenant runs up such a bill, and neither owner nor tenant pays, DWS can sue the owner and may get a judgment for a lien on the property.

Mr. Lindsey asked what happens if the owner does not co-sign the application.

Ms. Garson said it would be a condition when a new tenant comes in.

Mr. Taniguchi said in other words, the property cannot get service.

Ms. Garson said that there will have to be a catch-up period, and the Board will have to decide to change the application going forward.

Mr. Lindsey said he was concerned about penalizing the party who was not responsible for the delinquency. He said he was all for getting the money that is due to DWS. He said he was not sure how DWS can accomplish that without penalizing the party that was not at fault.

Mr. Greenwell asked whether DWS was shooting itself in the foot by letting the delinquency go on too long. DWS should not let the delinquency get too large before the Department threatens to shut the water off. He wondered if DWS was not being too kind.

Chairperson Mukai said the whole reason the idea of a rule change came up was because even after water is shut off, somebody else in the house can apply for service and DWS is obliged to hook up the water. The reason for exploring a rule change was to curb the abuse, he said.

The Manager-Chief Engineer noted that people can live without power and almost anything else, but no one can survive without water. For that reason, DWS tends to be a little more compassionate; the last

thing DWS wants to do is shut people's water off. He said that maybe DWS does let delinquencies go too far, but it is awfully hard to shut someone's water off because they cannot survive.

Mr. Lindsey asked whether a person can be delinquent and move away, only to apply for service on a different property.

The Manager-Chief Engineer said no, DWS tracks names.

Mr. Taniguchi said the discussion today is a good starting point. He said that Mr. Lindsey had a good point regarding not holding an owner responsible for something a disgruntled tenant did. Maybe the Board could write an exception for something like that into the Rules, he said.

Ms. Garson started to express misgivings about this.

Mr. Taniguchi said it is a concern.

The Manager-Chief Engineer said the bottom line is that everybody here agrees that the owner should have some degree of responsibility. However the Rule is worked out, it should reflect the basic concept that the owner should have some degree of responsibility.

Ms. Garson said that she would pass out the draft that she had done, acknowledging that it would change. The draft would provide food for thought for next month's meeting. In the meantime, Customer Service can weigh in with their input.

C. REPORT OF AD HOC COMMITTEE TO REVISE THE MANAGER-CHIEF ENGINEER'S EVALUATION FORM:

The Water Board's Chairperson of the Ad Hoc Committee to Revise the Manager-Chief Engineer's Evaluation Form, Mr. Ken Kaneshiro, has been looking at a revised Manager-Chief Engineer Evaluation Form.

Chairperson Mukai said the Committee held a very productive meeting. The Minutes of that Committee meeting were just distributed to the Board; the Committee came up with a plan to deal with the topic of the Evaluation Form revision. He asked if there was any discussion on the Minutes.

Ms. Garson noted that there are three meetings involving the Ad Hoc Committee: the first is to set up the Committee, the second is to report findings, and the third is to discussion and take possible action. The Committee through its Minutes made its report today, so the Board can discuss the findings and take possible action at the next Board meeting.

Mr. Kaneshiro said that because the Department of Human Resources is working on a revised job description for the Manager-Chief Engineer, it would be best to wait until that is completed before the Board comes up with its new Evaluation Form.

Ms. Garson said that HR's job description will be distributed during today's Agenda Item on the Selection of the new Manager-Chief Engineer.

D. ENERGY MANAGEMENT ANALYST UPDATE:

Ms. Myhre reviewed the highlights from her Green Initiatives report.

She noted that the average cost for kilowatt-hour (kWh) of electricity for DWS is rising again, and is above what it was in 2008, on a calendar basis. In 2011 through the end of August, DWS is paying 37 cents per kWh for electricity. Even though the price of oil is dropping, electricity prices are high, she said.

She noted that DWS's vehicle fleet is using about 3,000 fewer gallons of fuel year to date, versus last year. This is mainly due to the Operations staff being conscientious and mindful of how and where they are driving, etc.

Ms. Myhre said that DWS's recycling efforts appear to be dropping off, and that she recently reminded staff to use the recycling bins.

On hydro-generator savings, hydro-electricity generation at the Waimea Treatment Plant rose, thanks to the added flow and water pressure with the 50-million gallon reservoir back in operation. The Kaloko hydro-generator is working perfectly, after DWS installed a new blower system. The Kahalu'u Shaft hydro-generator also got a new blower system, Ms. Myhre said.

On the leak detection program, Ms. Myhre explained the graphs on the report, summarizing that in South Hilo there remains a lot of work to do.

The Manager-Chief Engineer said that the graphs Ms. Myhre provided are very informative in that they give one an idea of the system. The South Hilo system is the oldest, with the old, cast-iron pipes and couplings, whereas the North Kona system is newer, with better types of pipe, ductile line, etc. It stands to reason that South Hilo would have more leaks because of its old pipes.

Ms. Myhre said that since 2007, the economy has seen a downturn in water consumption; there is less total volume of water moving to DWS customers; even though the population has risen, consumption has been dropping.

Chairperson Mukai asked about the Unaccounted Water's rise by 20-21 percent in Kona. All the other districts seem pretty stable, but Kona's Unaccounted Water is up by about 20 percent. He asked what could have caused that.

Ms. Myhre said she was not sure, but it could be that more leaks are occurring in the older areas of the South Kona system. DWS's leak detection person, Mr. Earl Fukunaga, has said that is a real trend there.

Chairperson Mukai said that DWS seems to have a pretty good grip on Unaccounted Water in Hilo, and asked whether Mr. Fukunaga would be focusing more on the West Hawai'i side where Unaccounted Water rose by 20 percent.

Mr. Ikeda said that the Board had approved the creation of a leak detection position in Kona. However, budget-wise, DWS was not filling that position at this time. DWS will eventually fill that position, so that DWS will have at least one leak detection person in Kona. This would alleviate the need for a Hilo staffer to drive back and forth.

The Manager-Chief Engineer stressed that Unaccounted Water is not all leaks. He cited the classic example of how when a pump starts up, the water pumped for the initial five to 10 minutes that the pump runs is thrown away. That is to ensure that the system is clean, and this happens whenever a pump is started up or shut down, he said. Therefore, although it is part of a normal process, it is Unaccounted Water. The other case of Unaccounted Water is when the Fire Department practices off of DWS's hydrants. He also pointed out that Kona has the largest number of wells, with the pumps starting up and shutting off. Every time the pumps go on or off, water is purged away. With more cycles, there is naturally more Unaccounted Water. It would be a mistake to see Unaccounted Water as all leaks, due to the various instances of Unaccounted Water such as those he mentioned.

Mr. Taniguchi asked if DWS has an estimate of how much water is unaccounted for, based on the pumps.

The Manager-Chief Engineer said it would be possible to get an estimate because DWS times the pumps, although it would take some work. The duration of start-up and shut-off is anywhere from two to five minutes, during which time a large amount of water is purged. With the larger wells in Kona, the initial purge is huge, he said.

Chairperson Mukai said another factor could be the West Hawai'i fires last year. All the water that the Fire Department pumped to put out the fires would have been Unaccounted Water.

Ms. Myhre reported on the status of the Rider M contracts. The Rider M timers shut the wells off between the peak HELCO use hours of 5:00 p.m. and 9:00 p.m., and DWS receives credits from HELCO for not pumping during peak hours. She said that unfortunately, DWS has had to turn off two well timers. The Hualālai Well had problems, and two other wells needed to be run during the curtailment period to make up the loss in water volume from the Hualālai Well. Because the two wells need to run during the peak energy use hours, DWS will not be receiving Rider M credits for about two months, and DWS will be missing out on about \$8,600 a month in Rider M credits as a result. She noted that the Hualālai well will soon be back online, at which time the timers will also be switched back on.

Ms. Myhre, along with Mr. Alex Frost, the Mayor's Green Team chair and Mr. Will Rolston, the County's Energy Coordinator, participated in a panel on the Vision 20/15 Green Government Action Plan at the Renewable Energy Solutions Summit in Keauhou in August. Ms. Myhre said she would also be giving a talk at the upcoming HWWA conference on Hawai'i County's perspective on energy management, and how the four counties should sit down and talk about energy management together.

Ms. Myhre drew the Board's attention to a recent article in both Big Island newspapers regarding geothermal energy; she recommended that the Board read the piece. The headline in West Hawai'i read: "Geothermal: Money Pit or Money Maker?" She noted that Rep. Denny Coffman, the chairperson of the House Energy and Environmental Protection Committee, came to the Mayor's Energy Advisory Commission to speak about geothermal initiatives he is working on.

E. MONTHLY PROGRESS REPORT:

No discussion.

F. REVIEW OF MONTHLY FINANCIAL STATEMENTS:

Mr. Taniguchi asked Mr. Sumada to explain the subsidy on the Government Obligation bonds.

Mr. Sumada said that the Federal government pays DWS back a portion of the interest expense that DWS pays on the bonds.

G. MANAGER-CHIEF ENGINEER'S REPORT:

The Manager-Chief Engineer will provide an update or status on the following:

- 1) Palani Road Transmission Waterline Project – As mentioned earlier, DWS is waiting for HELCO to put in service.
- 2) Hawaiian Ocean View Estates Project – As mentioned earlier, DWS staff will attend a meeting in HOVE this Thursday, where staff will inform the community that there are DOH requirements that must be met once the project is done. Once the well is started up, DWS will take water samples which DOH must analyze. Mr. Okamoto explained this standard procedure, whereby the water is tested for an array of contaminants. He noted that the water was tested way back at the exploratory phase, but DOH has asked for confirmation results once the well is completed. The consulting engineer will prepare a comprehensive engineering

- 3) Pu‘ukala/Kona Ocean View Properties Subdivision Improvement District Update – Mr. Quitariano reported that DWS is working with a consultant, and the preliminary plans and contract documents have been turned in for review by the U.S. Department of Agriculture. DWS will have one more meeting with the community before construction starts. This project is comprised of 81 lots.
- 4) Public Information and Education Specialist Update – Ms. Aton said that during last month’s meeting, she was hosting seventh graders from Hawai‘i Preparatory Academy at the Waimea Treatment Plant. She and Mr. Quitariano went to the Kohala Community Development Plan meeting to explain how improvement districts work. She said that baseyard safety meetings have resumed. Ms. Aton is preparing a press release for the HOVE community meeting on Thursday. Ms. Aton hosted the Kohala Center and Mental Health Kokua on field trips to the Kahalu‘u Shaft. She went with Mr. William Yamamoto of DWS’s Waimea Baseyard to do presentations at Honoka‘a High School regarding the water cycle, the local water system and careers at DWS.
- 5) Upcoming HWWA conference – The conference At-a-Glance is posted on the DWS website. Mr. Kyle Chock of KIC, who appeared at this meeting earlier, will be a speaker at the conference. Among the other presentation topics will include dam safety, source water, desalination and State energy reduction goals. Among the entertainment will be the DWS band for the Meet and Greet segment, and a Tahitian/Polynesian revue for the 50th Anniversary luau. Mr. Perry asked if there would be a field trip to the Kahalu‘u Shaft. Mr. Ikeda said it was not scheduled, but arrangements could be made. The Manager-Chief Engineer said DWS hesitates to take people down the shaft. Chairperson Mukai suggested that Mr. Perry request a field trip for Board members next year when the new Board is seated. The Manager-Chief Engineer said a trip could be set up strictly for Board members. He noted that the cable car sometimes presents problems due to moisture and the way the shaft is, and there

H. **CHAIRPERSON'S REPORT:**

Chairperson Mukai said that the Board has to decide on a new Chairperson and Vice-Chairperson. He asked the Board to start thinking about it; he himself has had conversations with several members of the Board on the succession issue.

9) **DISCUSSION OF PROCEDURES AND TIME FRAME TO SELECT NEW MANAGER-CHIEF ENGINEER:**

Ms. Garson said she had sent the Board a draft advertisement, which included the salary requirements that the Board had set at the last meeting. Ms. Garson said she had checked with HR staff, who said it was okay for applicants to either apply online or via hard copy. At the bottom of the draft ad, it says that applicants can either pick up hard copy applications or download them from the HR website. She said that at the last meeting, the Board had opted for a short ad, but wanted to give potential applicants as much information as possible, so the ad does refer applicants to a detailed position description either online or available in hard copy at the HR office. The Board would need to set the position description before the ads are placed, Ms. Garson said.

Mr. Meierdiercks said that the ad should just have the minimum requirements, and the Board needs to set a date, or deadline, for the applications. With that deadline set, the Board can place the ads.

Ms. Garson noted that the Board wanted to run the ad twice over two weeks. She wondered if setting a deadline in October might be cutting it rather close. She thought that maybe the deadline for applications might have to be in the beginning of November.

Mr. Kaneshiro noted that at the last meeting, there was a discussion about the five years of administrative experience required. He said if he recalled correctly, the Board had decided that of those five years of administrative experience, three years should be in the water supply arena.

Ms. Garson said the Board did not decide that. She said that the draft ad has the minimum requirements, and maybe the Board needs to discuss today if the Board wants to add that (i.e., the three years of experience in the water supply field) into the ad.

The Manager-Chief Engineer said that he liked Mr. Kaneshiro's idea of requiring some experience in the water industry. By doing so, it would really help the Board, and make it easier for the Board by cutting down on the number of applicants. He also suggested that the Board should specify either a civil engineer or mechanical engineer; an electrical engineer, for example, would not be what the Board wants.

Chairperson Mukai said he agreed; he said he had no problem with regard to the engineering position. He said that an electrical engineer, for example, would be eliminated in the vetting process. The minimum requirements are only for the ad; he wants to keep things strictly legal. However, during the

vetting process, all the other criteria for evaluating the applicant will come out. The Chairperson said that the Board should keep in line with what the minimum requirements are. He said he had no problem with adding criteria if an electrical engineer is not really applicable to the job description. He thought that the more applicants the better, but in the vetting process, the job description provided by HR will drastically weed the list down. He said he did not mind spending a lot of time in the selection process; choosing the next Manager-Chief Engineer is a major decision that the Board has to make.

Mr. Taniguchi said he tended to agree with what the Chairperson said, and he agreed with what Mr. Lindsey said at the last meeting regarding giving certain types of engineers a higher rank. In that way, the Board would not discourage people from applying. He said he preferred to take the safer route and stick within the guidelines (i.e., on the minimum requirements), even though the Board has been told it can do whatever it wants. During the vetting process, the Board will be able to weed out the less-qualified applicants.

Chairperson Mukai, returning to the advertisement, said he agreed that due to time constraints, an October deadline is not feasible. He said he was thinking that probably the first week of November might be a good time to have the deadline. The ad can probably run in October, he added.

Ms. Garson pointed out that with two weeks of ads, the Board needs to give people the opportunity to see the ad and apply. Therefore, the earliest deadline is probably in November. Ms. Garson asked Ms. Snyder when the earliest date would be to run an ad.

Mr. Meierdiercks said it would be the second week of October.

Ms. Snyder said that once the Board decides on the ad text, then it would be possible to calculate when an ad could run. She said she did not have all of the newspaper's submission deadlines in front of her, but she figured it would take a week from then to get the ad in the papers.

Mr. Taniguchi said that the earliest Sunday paper that the ad could run would be October 9, and the second run for the ad would be October 16.

Ms. Snyder said that sounded right.

Mr. Taniguchi asked how long the Board should give the applicants to respond.

Mr. Meierdiercks said two weeks after the ad runs the second time should be plenty of time.

Ms. Snyder said the application deadline that HR routinely gives is 10 days after the ad runs.

Mr. Taniguchi said that would put it at Friday, October 28; two Fridays after October 16. The alternative would be to set the deadline at Monday, October 31, but Mr. Taniguchi shied away from putting the deadline at Halloween.

The Manager-Chief Engineer noted that after the application deadline, the Board would need to take into account the time it would take to send the applicants letters inviting them to the interview.

Ms. Garson said it would also take time for HR to go through the applications after the deadline.

Mr. Perry said that would take another week.

The Manager-Chief Engineer said it would take longer than that.

Ms. Garson said she was sure that HR would prioritize the work of going through the applications.

Mr. Meierdiercks said it would probably be done by the Board's regular meeting in November (i.e., on November 22).

Ms. Garson noted that the Board also has its Special Meeting on November 8, although the date could be changed.

Mr. Taniguchi said hopefully, the Board would get the list of applicants from HR by then.

Mr. Meierdiercks agreed that the Board should have some results -- although maybe not all of them -- by then.

Ms. Garson said at that point HR, which might have gotten 200 applications, will have given the Board the list of applicants. The Board will then need to give HR further instructions before the Board gets the actual applications.

The Manager-Chief Engineer said that was the peril of leaving the qualifications so broad; the Board will end up with a whole bunch of applicants.

Chairperson Mukai said that is the way the process works; that is government. It means being fair to all concerned, he added.

The Manager-Chief Engineer asked why have a process whereby the Board ends up with so many applicants, when the Board is going to weed through them anyway. He could not understand why the Board would not cut to the chase to get the applicants they want.

Chairperson Mukai said the Board just wants to make sure it has a very open policy; the Board does not want to run into any legal problems. The work will fall to the Board, and the Board will take on that work, he said.

Mr. Meierdiercks said it was the same thing; if the Board gets 1,000 or 50 applicants, at the end of the day, the Board is still going to choose one person.

Chairperson Mukai returned to the ad schedule, saying the ad will run on October 9 and October 16, and so the deadline can theoretically be set at October 28.

Mr. Taniguchi said that would be 10 business days after the ad runs on October 16.

Chairperson Mukai said that by that time, all of the HR matters should be under control. He noted that the Board would be holding its next Special Meeting on October 10.

Ms. Garson drew the Board's attention to the top part of the draft ad, which reads: "a detailed description of the essential duties and responsibilities of the position are contained...in the position description." She said the Board could choose to take that language out, but when the ad goes out on October 9, the Board needs to have that position description set. Today is the day to set that job description, she said. She noted that the deadline for application is October 28.

Mr. Taniguchi said one consideration is the holiday season, which gives the Board fewer days to work with.

Chairperson Mukai said that hopefully the Board will set the job description today.

Ms. Garson summarized where the Board was on the ads: October 9 was the first run for the ad, and the deadline for applications is October 28. She asked Ms. Snyder if October 9 was a doable date for the ad.

Ms. Snyder said she believed so; she asked whether HR was actually handling the advertisements.

Ms. Garson said yes, she believed that HR would put the ads out.

Mr. Taniguchi said yes, HR is doing the ads.

Ms. Snyder suggested that Ms. Garson let HR know.

Chairperson Mukai was ready to move on to Item 10, the Executive Session.

Ms. Garson asked him to wait; the Board needed to set the job description.

(At this point the Chairperson called a five-minute recess, at 12:23 p.m. The Meeting resumed at 12:31 p.m.)

Chairperson Mukai said the Board would now take up the job description, a very important issue. He asked Ms. Garson for some direction in proceeding.

Ms. Garson said that the Board had in front of it Exhibit B, a draft position description that HR distributed two Board meetings ago.

Chairperson Mukai gave the Board a few minutes to digest the draft job description.

MOTION: Mr. Taniguchi moved to adopt Exhibit B as the position description for the Manager-Chief Engineer; seconded by Mr. Meierdiercks.

Chairperson Mukai, citing an item in the job description that stipulates that the Manager-Chief Engineer prepares an Annual Report of the Board for submission to the Mayor, asked if the Department does that.

The Manager-Chief Engineer confirmed that he does submit an Annual Report to the Mayor.

Mr. Lindsey noted that under education, the job description says: "Graduation from an accredited college or university with a baccalaureate degree in **civil** engineering." He asked whether by stipulating a degree in *civil* engineering it would automatically exclude the other types of engineers.

Mr. Meierdiercks said no, because there were also the words, "other related fields" in the job description.

The Manager-Chief Engineer said it would be up to HR to determine what was meant by "related fields." This language in the job description addresses the concerns that he had. It says that the applicant needs to know Federal, State and County laws "related to the management and operation of **public** water systems." That language pretty much narrows things down, he said. With this wording, the applicant would have to have knowledge of public water systems; that is good, he said.

Chairperson Mukai said that this is part of the vetting process, although the job description in the ad is very broad. He noted that the job description was actually done when the Board agreed to have HR do research on it way back when.

The Manager-Chief Engineer said that theoretically, if an applicant does not have experience working in a public water system, HR will not submit the name to the Board.

Ms. Garson began to express reservations.

The Manager-Chief Engineer said the language requiring knowledge of public water systems was under Qualifications, not Duties. The key word there was the word "*public*" – not private.

Mr. Taniguchi said the wording was “knowledge of...” He said he himself might have “knowledge of...”

The Manager-Chief Engineer said the wording “knowledge of” referred only to “strategic management.” He noted that “*working* knowledge” means that the applicant will have had to have worked in that particular field.

Chairperson Mukai read the words under Qualifications. It reads: “The Manager-Chief Engineer, at the time of appointment and thereafter, shall be familiar (working knowledge of) with the Federal, State and County laws, ordinances, and rules related to management and operation of public water systems; knowledge of strategic management.” He said that there was room for interpretation in this; it is broad enough. He saw no problems with this wording.

The Manager-Chief Engineer said it was a good thing.

Chairperson Mukai said, with regard to the education requirements, it appears that there is a slightly heavier weighting in favor of civil engineering.

Ms. Garson said that these are “*desired* requirements,” as opposed to *minimum* requirements. The Board will not be disqualifying anyone by stipulating *desired* requirements.

Chairperson Mukai said this was a good point.

ACTION: Motion carried unanimously by voice vote.

Chairperson Mukai said that now the job description was in force.

Ms. Garson said the Board did not need to go into Executive Session today, unless the Board has questions of a confidential nature.

Mr. Kaneshiro said that the next step would be to formulate interview questions. He suggested that instead, the Board should first consider what kind of vision the next Manager-Chief Engineer needs to have for the Department of Water Supply. He said that everyone on the Board has ideas of where the Department should move into the future, and the Board needs to find a leader who will help move the Department in that direction. Therefore, the Board needs to determine what kind of vision the candidate should have, before deciding on what interview questions to ask.

Ms. Garson said that before the Special Meeting on October 10, she will gather sample interview questions for the Board. The Board will go into Executive Session on October 10 to discuss the questions, because they must be kept confidential. She asked if there was anything else that the Board wished her to prepare for the October 10 meeting.

Mr. Taniguchi said that the vision question that Mr. Kaneshiro just mentioned should also be discussed in Executive Session.

Chairperson Mukai said okay, the Board will discuss the interview questions at the October 10 Special Meeting. He asked the Board to bring to that meeting any questions that they wanted to be among the interview questions. He expressed hopes that the list of questions could be finalized at the October 10 meeting, because time is short.

Mr. Kaneshiro said that on October 10, the Board should have a good idea of the questions the Board will ask.

Ms. Garson said that the Board will be asking all of the candidates the exact same questions. Each question will be posed to each candidate, she stressed.

Mr. Perry asked if Board members could have pet questions.

Ms. Garson said that would be okay, so long as the pet questions go on the official list of questions; pet questions cannot be sprung out of the blue.

Chairperson Mukai agreed that the set of questions must be agreed upon by the entire Board, and the Board cannot veer away from those set questions.

10) **EXECUTIVE SESSION RE: PROCEDURES AND TIME FRAME TO SELECT NEW
MANAGER-CHIEF ENGINEER:**

The Water Board had anticipated convening an executive meeting, closed to the public, pursuant to Hawai'i Revised Statutes, Sections 92-4 and 92-5(a)(4) for the purpose of consulting with the Water Board's attorney on questions and issues pertaining to the Water Board's powers, duties, privileges, immunities and liabilities. A two-thirds vote, pursuant to HRS Section 92-4, is necessary to hold an executive meeting.

(No Executive Session was held.)

11) **ANNOUNCEMENTS:**

1. **Next Regular Meeting:**

The next meeting of the Water Board will be held on October 25, 2011, at 10:00 a.m. at the Department of Water Supply, Operations Conference Room, 889 Leilani Street, Hilo, HI. *(A special meeting regarding the process to select the Manager-Chief Engineer will be held on Monday, October 10, 2011, at the same venue.)*

2. **Following Meeting:**

The following meeting of the Water Board will be held on November 22, 2011, at 10:00 a.m. at the West Hawai'i Civic Center, Community Center, 74-5044 Ane Keohokalole Hwy, Kailua-Kona, HI. *(A special meeting regarding the process to select the Manager-Chief Engineer is tentatively scheduled to be held on Tuesday, November 8, at a venue to be announced.)*

14) **STATEMENTS FROM THE PUBLIC:**

None.

The Manager-Chief Engineer asked Ms. Garson if the meeting at which the Board interviews candidate must be publicized.

Ms. Garson said yes.

The Manager-Chief Engineer noted that the Board may need to hold additional meetings to hold interviews, which would at least need to be announced at a Board meeting.

Ms. Garson said that if it is a Special Meeting, it can be set as long as there is six days' notice. It would just be a matter of whether to advertise the meeting.

The Manager-Chief Engineer said he is trying to avoid the cost of putting out ads. If the Board announces a Special Meeting prior to the end of a meeting, there is no need to advertise, he said.

Ms. Garson said right, and asked what the question was.

The Manager-Chief Engineer said that at some point in time, the Board would need to announce at one of these meetings when the interviews will be held.

Ms. Garson said that her guess was that the interviews would be held at the November 8 Special Meeting, and more special meetings would need to be set if the Board does not hold interviews at the November 8 Special Meeting.

Mr. Taniguchi asked what would happen if the Board publishes a date but then does not hold a meeting.

Ms. Garson said the Board can cancel it. The Board can announce special meetings during the October 25 regular meeting, too.

Chairperson Mukai said this was a good point, because by October 25, the Board will get an idea from HR on how many applicants there are. Therefore, the Board can probably set the date for the interview meeting during the October 25 meeting, he said.

Mr. Greenwell asked whether there are Statements from the Public at these special meetings.

Ms. Garson said yes, even before the interviews there can be Statements from the Public. She said that the public can come in and make statements in support of candidates. The names of the interviewees will be made public, she said. Statements from the Public are part of the process, and Sunshine Law mandates having Statements from the Public, she said.

Mr. Kaneshiro asked whether the interviews themselves would be open to the public.

Ms. Garson said no, because all of the questions posed to candidates will be the same. The candidate who goes first will be at a distinct disadvantage, compared with somebody who knows what questions will be asked, she said. Therefore, the interviews will be held in closed session.

Chairperson Mukai said he assumed the interview session will be a marathon, all-day kind of session. He asked whether additional interview sessions for final interviews can be scheduled if need be.

Ms. Garson said yes, a second date for final interviews could be set, where the short list of candidates would be interviewed.

Mr. Kaneshiro asked whether there would be a point system to rank the candidates.

Ms. Garson said the Board would need to discuss that in Executive Session at the October 10 Special Meeting. She agreed that the Board needed some way to rate the candidates, so the Board needs to think about how it will go about that. The matter of ranking will be discussed in Executive Session at the October 10 meeting, along with the interview questions.

15) ADJOURNMENT

Chairperson Mukai adjourned the meeting at 12:49 p.m.

Acting Secretary-Administrative Assistant

Anyone who requires an auxiliary aid or service for effective communication or a modification of policies or procedures to participate in this Water Board Meeting should contact Doreen Jollimore, Secretary, at 961-8050 as soon as possible, but no later than five days before the scheduled meeting. Notice to Lobbyists: If you are a lobbyist, you must register with the Hawai'i County Clerk within five days of becoming a lobbyist. {Article 15, Section 2-91.3(b), Hawai'i County Code} A lobbyist means "any individual engaged for pay or other consideration who spends more than five hours in any month or \$275 in any six-month period for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials." {Article 15, Section 2-91.3(a)(6), Hawai'i County Code} Registration forms and expenditure report documents are available at the Office of the County Clerk-Council, Hilo, Hawai'i.

The Department of Water Supply is an Equal Opportunity provider and employer.