

MINUTES

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

September 15, 2011

Department of Water Supply, Operations Center Conference Room

MEMBERS PRESENT: Mr. Dwayne Mukai, Chairperson
 Mr. David Greenwell
 Mr. Kenneth Kaneshiro
 Mr. Bryan Lindsey
 Mr. Delan Perry
 Mr. Art Taniguchi
 Mr. Milton Pavao, Manager, Department of Water Supply
 (ex-officio member)

ABSENT: Mr. Robert Meierdiercks, Vice-Chairperson
 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
 Mr. Lincoln Ashida, Corporation Counsel (left meeting at 10:44 a.m.)
 Ms. Emarie Carvalho, Legal Technician, Corporation Counsel

Department of Water Supply Staff
Ms. Kanani Aton, Public Information and Education Specialist
Mr. Keith Okamoto, Engineering Division (left meeting at 11:20 a.m.)

CALL TO ORDER - Chairperson Mukai called the Special Meeting to order at 10:09 a.m.

STATEMENTS FROM THE PUBLIC:

Chairperson Mukai said that Mr. Lindsey would act as timekeeper for the Public Statements portion, but no one signed up to make testimony. The Chairperson noted that Mr. Tommy Goya had submitted written testimony prior to the meeting, which was mailed to the Board members.

MISCELLANEOUS:

A. DISCUSSION OF PROCESS AND CRITERIA FOR SELECTION OF NEW MANAGER-CHIEF ENGINEER OF THE DEPARTMENT OF WATER SUPPLY:

The Water Board discussed the process and criteria for selection of the new Manager-Chief Engineer of the Department of Water Supply.

This discussion included, but was not be limited to: revising the position description for the Manager-Chief Engineer, determining the salary or salary range for the position, setting the recruitment period (i.e. application open and closing deadlines), developing an advertisement for the position and determining where and how to advertise for the position.

Ms. Garson introduced Mr. Ashida, who in the past had advised the Fire Commission and the Police Commission in their respective selections of Fire Chief and Police Chief. She asked Mr. Ashida to give the Water Board a brief presentation on the process and procedures for selecting a department head. Ms. Garson also introduced Ms. Carvalho from her office, who was on hand in case there is an Executive Session; Ms. Carvalho would take over the taking of Minutes in the event of an Executive Session.

Chairperson Mukai thanked Mr. Ashida for any help he can provide as the Board embarks on this very important decision-making process of finding a replacement for Mr. Pavao.

Mr. Ashida noted that there are obvious differences between the Fire and Police Commissions and the Board of Water Supply, noting that Fire and Police deal with public safety. The Fire and Police Commissions and the Water Board do share some basic concerns. Mr. Ashida said that selecting the next Chief or Manager-Chief Engineer is one of the most important decisions that the Commission or Board makes. The selection of the Manager-Chief Engineer does not occur frequently, so there is not much experience that the Board can draw from.

The Manager-Chief Engineer noted that he was appointed 17 years ago, in 1995.

Mr. Ashida said there is no play book or guide book to follow as to how to handle the selection. He said that the Board should keep in mind that the decision lies entirely with the Board. Nobody, including the County Council or the Mayor or anyone else, can legally second-guess the Board on its decision, Mr. Ashida said. The focus of the Board should be on the *process*; the Board should pay attention to the process because the process is what will be watched by the public and the media. In the current environment, scrutiny on all levels is on government, whether it be federal, state or County. Mr. Ashida said he had been involved in the selection processes for three Police Chiefs and two Fire Chiefs. He told the Fire and Police Commissions that his primary job as their attorney was to keep the Commissioners off the front page of the newspapers. He warned the Board that they will be subject to scrutiny by the papers, so he urged the Board to pay attention to the selection process. He said that the Board could vote on who it wants tomorrow, without going through an application process or an interview process. He asked if the Water Board had rules addressing this.

Ms. Garson said, no, there were no rules addressing this.

Mr. Ashida said that with no rules on the selection process, the Board could decide tomorrow if the Board has a candidate who meets the minimum requirements based on the County Charter, i.e., five years of administrative experience and an engineer's license. He said there is a lot of flexibility in defining what administrative experience means. He urged the Board in any case to put some thought into what process the Board is going to follow in its selection of the next Manager-Chief Engineer. Mr. Ashida said that he assumed that the Board would open it up to applications, and he assumed that the Board would establish that process from the beginning. He assumed that the Water Board would follow the same process that the Fire Commission did recently, which is to have the County's Human Resources (HR) Department take care of everything. That means that the Board would ask HR to do the recruitment advertisements, receive all of the applications and screen the applications to meet the minimum qualifications. Mr. Ashida said that there were 21 applicants for the position of Fire Chief, but only four applicants were qualified as meeting the minimum requirements. The first time that the Fire Commission heard of who was in the running was when HR sent the Commission the list of four names. Mr. Ashida noted that the Water Board sets the minimum qualifications, with the County Charter setting a certain baseline (i.e., five years of experience and an engineer's license) mentioned earlier. In the case of the Fire Chief recruitment most of the 21 applicants who got bounced out failed to meet the Hawai'i state residency requirement, which stipulates that an applicant must be a resident in the State of Hawai'i for at least one year prior to the date of appointment. Many of the people who were

bounced out were applicants from the Mainland, he noted. Mr. Ashida suggested that one way to handle the recruitment is to have HR handle the ads and screening for minimum requirements; the Board's work of vetting applicants only starts when the Board gets the list of qualified applicants from HR. HR would give the Board the option of the Board drawing up what the qualifications are, as well as the vetting. The Police Commission has done that in the past, whereby the Commission insisted on seeing every single application. Without HR screening, the Commission may end up seeing 100 applications. He cited the cautionary tale of the recruitment for the Kauai Police Chief years ago, whereby the Commission waived the one-year residency requirement, stipulated under HRS 78-1, to allow a former resident to become Police Chief. Later that person, no longer Police Chief, sued Kauai County for reasons Mr. Ashida did not specify, and subsequently the Commission found itself under a cloud. The moral of the story, he said, was to let HR take care of things, including the recruitment advertising, getting the applications, screening the applications for minimum requirements, etc. Then HR sends the Board the list of candidates who are qualified. He noted that with the minimum qualifications stated in the Charter, which is a pretty low bar, there might be 100 applicants. He suggested possibly setting the minimum qualifications a bit higher, for example, requiring 10 years' administrative experience instead of five years. Of those 10 years, two years should be in a utility or water-related service. These are things that the Board needs to discuss and decide collectively, he said. By doing that, the Board can dictate how big a pool of applicants it will deal with.

Mr. Greenwell asked who advises HR on the legalities of what they do, in the event that the Board throws everything into HR's lap.

Mr. Ashida said that Corporation Counsel has an attorney assigned to HR. He said that the question arises of what constitutes administrative experience. This is more of an HR question, rather than a legal question. That sort of matter is within HR's area of expertise. Mr. Ashida said his own definition of administrative experience is administering an office that involves personnel, budgeting, along with different areas of management and leadership. The question comes to whether the Board wants to determine that definition, or give the control to HR (i.e., let HR make the call.) Mr. Ashida raised the issue of who hears an appeal of the selection, and the answer is that the Board or Commission hears the appeal -- not HR.

Mr. Perry asked whether the Board can define the screening differently from what HR normally does.

Mr. Ashida said yes, and reiterated that one of the key issues is what constitutes "administrative experience." Corporation Counsel can provide that definition to the Board, which can set the minimum floor on the qualifications. He reiterated that the Board can decide to bypass the entire HR Department and pick the next Manager-Chief Engineer any way it likes. The question is whether the Board wants to do it that way or not, Mr. Ashida said. The Board could handle the whole application process itself without resort to HR; there is no law or rule that says that the selection needs to go through HR. The Board could advertise it themselves, get the applications sent to DWS, and control everything in-house. Mr. Ashida said this was not recommended. The process of using HR, that the Fire Commission and the Police Commission (in the recent past) followed, worked. HR is a separate agency charged with handling recruitments on an everyday basis. Using HR made the process clean for the Fire Commission, Mr. Ashida said. Once HR sent the four names to the Fire Commission, the Commission interviewed the four applicants twice, and voted on the selection in open session with a sealed vote, he said. It was not a roll call vote; the sealed vote allowed the Commissioners to vote their consciences, he said. The Commissioners each received a ballot with his or her name on it, with the four applicants' names on it. Each Commissioner voted privately, and signed their ballots. The secretary collected the ballots and read the results into public record. Each Commissioner's choice was read aloud, and the secretary asked each Commissioner to confirm that that was his or her vote. This system showed that each Commissioner voted his or her conscience.

Mr. Taniguchi agreed that using HR to handle the recruitment process was cleaner. He asked whether the actual interviews would be held confidentially, in Executive Session.

Mr. Ashida said yes, the interviews would be in Executive Session. In the case of the Fire Chief recruitment, the candidates were all asked the same interview questions, thus necessitating an Executive Session. After each interview, the candidate went outside and the Commission discussed the candidate immediately afterwards in closed session. Mr. Ashida said that at a later date he would share with the Board the interview questions that the Fire Commission asked. He noted that the vast majority of what the Commission did *was* in Executive Session. The Commission Chairperson asked Mr. Ashida to explain to the public and the media why the Commission was going into Executive Session, what it was going to discuss, etc. The media were satisfied with this explanation, and everyone left the room. Mr. Ashida, in hopes of averting negative headlines about secret meetings or closed-door sessions, told Hawai'i Tribune-Herald reporter Mr. Peter Sur what he could, and promised to call him when the Commission was ready to make a decision. Mr. Ashida said it was a great idea to let the media, and thereby the public, know the process and the timeline that the Commission is following. He said the Board needs to look at what information the Board wants to release to the public, in terms of the process and the number of candidates that have applied or qualified, along with the identities of the applicants. He urged the Board to choose what to report ahead of time, to help ensure more positive media coverage. The Board will also need to decide ahead of time whether to indicate in the recruitment advertisements that the applicants should have no expectations of privacy regarding the fact that they have applied. HR will not deal with that particular issue; its position is that the information is confidential. If the names are to be released, it will be up to the Board to do it, Mr. Ashida said. In the case of the Fire Chief recruitment, Mr. Ashida personally called each of the four finalists to tell them that their names will be released to the public as part of a press release. None of the four applicants objected. Mr. Ashida said that in hindsight, he would have done it differently. He instead felt that the recruitment advertisement should have indicated up front that the applicants should have no expectation of privacy, because the recruitment is a government process and because the public has the right to know the applicants' identities. In any case, this is a matter for the Board to decide ahead of time, he said.

The Manager-Chief Engineer said that he imagined that the Board would want Mr. Ashida to come back to consult with them as the process moves along.

Mr. Ashida said sure, he would come back. He said that he had emailed all of the Fire Commissioners this morning to ask them to send him comments on how the Fire Chief recruitment went, and to seek any advice the Commissioner might have for the Water Board. He told the Commissioners that if they wished to keep their responses confidential, Corporation Counsel could redact their names and forward the responses to the Board through Ms. Garson. Mr. Ashida said the Board could email or call him privately anytime.

Chairperson Mukai asked when the advertisements for Fire Chief went out, what the time frame was for the return of the applications to HR.

Mr. Ashida said that the Fire Commission was required by one of its rules to advertise the Fire Chief position for three consecutive weeks in a publication of statewide circulation. The ads were published on three consecutive Sundays, in the Honolulu Star Advertiser, the Hawai'i Tribune-Herald, the West Hawai'i Today, as well as the Maui News and the Kauai newspaper Garden Island News. He noted that the advertising cost the Fire Department big bucks, but Chief Darryl Oliveira approved it. The Water Board has no rules on advertising for the Manager-Chief Engineer recruitment, so it is up to the Board to decide what to do and how to do it. Although the Water Board has the latitude to handle the recruitment however it likes, this is still a government entity, and there is a certain expectation among the public that there will be a proper process that will be followed, with a certain protocol that gives

everybody a fair shot, Mr. Ashida said. Doing things fairly and above board is the only way to keep the Board off the front page of the paper, he said.

Mr. Perry asked what the time frame would be for HR to do the advertising.

Mr. Ashida said it would be up to the Board. There is no set time frame for how long the recruitment would be open; HR would be at the Board's service. He said that HR has a new computerized application process, which the Board could choose to use or not. The Fire Commission decided to use this electronic system for all of the applications; all applications had to be done on-line. The question at the time was raised whether that was fair to applicants who do not have computers. In any case, the Board can choose to have HR receive applications either by mail or on-line, or both. He repeated his offer to talk-story by phone with Board members who had questions following today's meeting.

(Mr. Ashida left the meeting at this point.)

Ms. Garson quipped that she had asked Mr. Ashida to come in and scare the Board. Speaking of the minimum requirements set forth in the Charter and the Hawai'i Revised Statutes, Ms. Garson said there is an ongoing discussion at Corporation Counsel on whether the Board can raise the bar above what is stipulated as the minimum requirements. The question is still up in the air, she said. She said that the advertisement can have the Charter's minimum requirements, and the Board can later set criteria on how the Board wants to vet and rank the applicants. For example, the Board could have criteria that give more points to somebody who has experience managing a utility company. She cautioned against putting all kinds of things into the minimum qualifications, to the extent that the Board will not even look at people who do not meet those enhanced qualifications.

The Manager-Chief Engineer said that this is one of the rare instances that he disagrees with Ms. Garson. He noted that Mr. Ashida had said earlier that the Board could do anything it wants with regards to the qualifications. The Manager-Chief Engineer said he believed that, rather than use the minimum qualifications as stated in the Charter, the Board should instead want to raise the level of the minimum qualifications as far as administrative experience. He suggested that the requirements should be five years of administrative experience, four of which shall be in a water utility. The Manager-Chief Engineer said that it is important for the candidate to have worked in a water utility, especially on this island; knowledge of the Department's history is very important in carrying out the duties of Manager-Chief Engineer, so that the same mistakes are not made again. The candidate needs to know the DWS system, because the Manager-Chief Engineer's decisions are based on what is best for the DWS system. Knowledge of DWS's history is vitally important to being an effective manager of DWS. Without that knowledge of the history and of what happens in a water utility, it would be very difficult for the candidate from a different type of department to effectively run a water utility. He cited the need for knowledge of things like pressure zones, tanks, construction, etc., that are unique to Water Supply. The Manager-Chief Engineer said that after 17 years in the position, he has learned that many of the decisions that the Department makes going into the future are based on things that happened in the past, within the Department. A Manager-Chief Engineer needs to know how a water utility works; it is totally different from how other types of utilities work. He urged the Board to raise the level of the minimum qualifications, and look for someone who has experience in a water utility.

Chairperson Mukai noted that Ms. Garson seemed uncertain whether the Board can advertise higher minimum qualifications than what are set out in the Charter. He asked whether that indeed was the case.

Ms. Garson said there is a difference of opinion on this subject among the attorneys at Corporation Counsel. She said she would at this point leave it up to the Board to decide how it wants to frame the minimum qualifications. She said the Board could cast a wide net to see what kind of applicants would meet the minimum qualifications under the Charter, and then pare the list of applicants down to a short

list by looking for more qualifications, i.e., giving more points for higher qualifications such as water utility experience.

Chairperson Mukai asked what happens if the Board sets higher requirements than the Charter calls for the position in the advertisements, and there is a legal ruling that says that the Board is not supposed to do that. He assumed that in such an event, the whole process stops.

Ms. Garson said that the Board would probably have to go back and re-advertise. She said that very conservatively, the Board would put in the advertisements only the minimum qualifications set out in the Charter, and the Board would pare down the list when the names come in.

Mr. Taniguchi said that contradicts what Mr. Ashida said earlier. He asked who will pare down the list.

Ms. Garson said the Board would.

Mr. Taniguchi referred to the example given earlier where the Police Commission insisted on seeing every application; Mr. Taniguchi said that he personally did not want to see 100-something applications. He asked whether the draft position description came from HR.

Ms. Garson confirmed that yes, the position description, which was in the Board's packets, was drafted by HR. She noted that a lot of the department heads lack position descriptions. However, the Manager-Chief Engineer has an existing position description summary, which was also included in the Board packets. HR thought that it might as well update the position description, but Ms. Garson noted that this was only a draft. The Board may or may not want to come up with a new position description; it is the Board's decision.

Mr. Taniguchi, noting the Manager-Chief Engineer's suggestion that four years of water utility experience be included in the minimum qualifications, said nobody could pinpoint the right number of years of experience. He noted that HR's position description was a little more general, with wording that stipulated that the person should have working knowledge "of Federal, State, and County laws, ordinances and rules related to the management of and operation of public water systems." He asked if this kind of wording could be included in the minimum qualifications to narrow the criteria down.

The Manager-Chief Engineer said the danger in being vague and narrow in the minimum qualifications is that it could open it up to someone, for example, who works for a consulting firm that did one job related to the water industry; this would satisfy the requirement, which would be crazy.

Mr. Taniguchi said there at least would not be 100 such applicants.

The Manager-Chief Engineer agreed that there would not be 100 such applicants, but there would be one, and that person's experience in the water industry would be nothing – yet he could put it on paper and he would pass.

Mr. Kaneshiro said he thought what the Manager-Chief Engineer said was really pertinent, regarding the five years of experience in an administrative capacity. Mr. Kaneshiro thought that the minimum should be three years' experience in a water department in an administrative capacity. This would not be adding more to the minimum requirements; it is defining what this administrative capacity is – that of working in a water department.

Mr. Greenwell said he agreed with what everybody was saying regarding the minimum requirements, which are there to weed out the unqualified applicants. Once the Board gets the names from HR, it will be up to the Board to make its selection. By meeting the minimum requirements, an applicant cannot count on getting the job, he said. The minimum requirements are just to keep out the unqualified applicants; the Board will pick the most qualified candidate. He said he would hate to have the media

accuse the Board of setting things up to the advantage of a certain candidate. He noted that just because a person meets the minimum requirements, it does not mean that person will make it to the front table.

Ms. Garson said that just for the advertisements, there is no problem or issue by going with the minimum qualifications that are in the Charter; the Board will stay off the front page by doing that.

The Manager-Chief Engineer said the problem with using what is in the Charter is that the Board could have 100 people apply.

Mr. Perry commented that it would take an extra meeting to go through all those applications. He generally thought that the minimum requirements should be broad, such as Ms. Garson is suggesting. The Board can pare the list down without a lot of effort, he said. A list of 100 applicants would not be a bad place to start, although it would be a lot of work, he added.

Mr. Lindsey suggested that the applicants could be stack-ranked. For example, civil and mechanical engineers could rank higher than electrical engineers. This could serve as a way to migrate the higher-end applicants from the less-qualified ones.

Chairperson Mukai asked, in the case of the Fire Chief recruitment, whether HR qualified or disqualified applicants based on what was advertised.

Ms. Garson confirmed this; there were no other criteria on which they based the short list. That is all that HR will do in the case of the Manager-Chief Engineer recruitment, she added. She said she was struck by how many people were disqualified on the residency requirement.

The Manager-Chief Engineer said he agreed with Mr. Kaneshiro's idea of stipulating "five years of administrative experience, three years of which shall have been in a water utility." By doing so, it would not change the minimum requirements per se, and would serve to weed out a lot of people. This would make the Board's job of selecting a new Manager-Chief Engineer a lot easier, and enable the Board to find the most qualified person. He noted that a person could get five years of administrative experience almost anywhere. DWS is a unique department and its Manager-Chief Engineer needs to have the historical background about water, and needs to really know water.

Ms. Garson said the worst-case scenario is that by setting such qualifications, the Board might only get one or two qualified applicants. That would not be desirable, she said. The Board could set the minimum requirements in its advertisements, but could also have wording to the effect that "preference will be given." She did not elaborate, but said that applicants could be told up front that preference will be given. If there is a large group of applicants, they could be told that the Board is going to consider other things to narrow down the list. At that point, applicants could be told that preference will be given to those with experience in water utilities, or whatever criteria the Board comes up with, Ms. Garson said. The Board would be telling the applicants that these are the things that the Board will consider, but these things will not constitute minimum qualifications.

Mr. Taniguchi asked what happens if the Board gets 100 or so applicants. He asked whether the Board could have HR weed out the candidates along stack-ranking lines suggested earlier by Mr. Lindsey, rather than have the Board weed them out.

Ms. Garson said she could not see why not, but added that she would need to talk to HR first.

Mr. Taniguchi noted that his bank recently had a huge number of applicants for a teller position, amid high unemployment. He said that it would be easier and more objective if the experts, i.e., HR, weed applicants out. He suggested that the Board come up with criteria weighted in favor of, for example, mechanical engineers, or engineers with administrative experience in water. This will narrow the field

down and HR can weed through the applicants. HR can then send the Board a list of 20 or so names (instead of 100 or more names). Mr. Taniguchi asked if that was possible.

Ms. Garson said she would have to check with HR, but she thought that was possible.

The Manager-Chief Engineer said that would have to be made clear to HR up front. He asked how that would be done.

Ms. Garson said the Board can ask HR how many people qualified, and HR may say 100 people qualified. The Board can ask HR to hold on to those applications. She apologized that she is not an HR person, and she again said she wanted to check with HR. She thought that the Board could ask HR to hold on to the names, and the Board could suggest other criteria. As long as there is a fair and non-discriminatory reason why the Board is calling for a certain type of engineer over another type of engineer, and accords the preferred type of engineer more points, Ms. Garson thought it would be okay.

The Manager-Chief Engineer said that does not make sense.

Mr. Kaneshiro asked the Manager-Chief Engineer whether DWS's division heads and section heads would have the required five years of experience.

The Manager-Chief Engineer said that the division heads would qualify, and certain section heads would also qualify.

Mr. Kaneshiro asked whether they would qualify because they work on budgets and other administrative matters.

The Manager-Chief Engineer confirmed this, saying that they are part of the budget process and the administrative process, as well as personnel-related issues. Division heads would definitely qualify, as would certain section heads.

Chairperson Mukai noted that Exhibit E in the packets, which is the advertisement for the Director of Liquor Control recruitment, goes into detail as to what constitutes administrative capacity. He said he really liked the detailed description, which read: "five years of progressively responsible administrative work experience in the management of an organization or major program overseeing personnel, fiscal management, developing policies and regulations, and handling public relations." That description in itself would allow HR to whittle it down considerably, Chairperson Mukai said. He added that a valid driver's license should also be required in the DWS recruitment. Exhibit C, which includes the current minimum requirements for the Liquor Control Director position, calls for a cover letter on why the applicant wants to be director of Liquor Control and it asks for the applicant's long- and short-term goals for the Department. The recruitment calls for a completed County of Hawai'i application for employment, a resume detailing the applicant's qualifications, a copy of the driver's license and an official college transcript. The Chairperson said he liked how the Liquor Control recruitment advertisement was done.

Ms. Garson said that there are no Charter-mandated minimum qualifications for the Director of Liquor Control position, and that is why the Liquor Commission came up with such detailed minimum requirements. This distinguishes this position from the recruitments for Fire Chief and DWS Manager-Chief Engineer, whose positions have Charter-mandated minimum requirements.

Chairperson Mukai said that the Manager-Chief Engineer's point is well-taken on having someone with experience in water. However, he thought that having water experience stipulated in the recruitment advertisements could be held against the Board, and land the Board on the front page of the newspaper. Instead, the Board could stipulate something like experience in water during the vetting process. By putting water experience in the minimum requirements, along with the Hawai'i residency requirement,

it was guaranteed that half or three-quarters of the people who qualify are going to come from DWS; that is not very good, he said.

The Manager-Chief Engineer said that the Board should be looking for a Manager-Chief Engineer of Water Supply whose interest is water.

Chairperson Mukai said yes, but that should be addressed in the vetting process.

The Manager-Chief Engineer said he did not see how anyone would take offense at the Board looking for somebody with experience in Water Supply; that is what that person does.

Chairperson Mukai said what he is saying is that the three or four people from DWS are going to make the short list anyway during the vetting process. Even if water is not mentioned among the minimum requirements in the advertisements, a lot of DWS people will probably qualify, based on the minimum requirements. Those DWS people will probably show up on the short list in the vetting process. He said that if it were up to him, having some water experience would be more heavily-weighted.

The Manager-Chief Engineer said he did not know why the Board would not want to put that up front. He said he would think the Board would want to put that up front, and not waste time.

Mr. Lindsey said he agreed with the Chairperson only because it becomes exclusionary to everybody else. He suggested that the opening application should be a broad-stroke one, with the understanding that those involved in water now will probably get higher consideration than someone who has never been involved in water.

Mr. Kaneshiro said that whenever a person looks at an application, the first thought is whether the person qualifies. If the Board does not put administrative experience in water or a water department in the ad, it would not be fair to the person who is applying. The applicant will have done all this work on the application, and then will get the interview only to find that he or she is excluded due to lack of water experience. The Board should make it fully understood that one of the qualifications in the administrative portion is experience in a water department, Mr. Kaneshiro said.

The Manager-Chief Engineer suggested that instead of requiring a college transcript, the applicants should be required to provide a copy of their engineer's license. Every engineer has one on his wall, and having an engineer's license is proof of having graduated from college, he said.

Mr. Taniguchi said this was a good point; the older one gets, the harder it is to get hold of one's college transcript.

Chairperson Mukai said someone should make a Motion to enable the Board to decide on the minimum criteria.

Ms. Garson confirmed that the Board should make such a Motion. She said the Board can also talk about the draft ad that was in the packets, which has spaces for the Board to fill in the Manager-Chief Engineer's duties. The Board can work on the draft ad today; it is also on the regular Water Board Agenda for September 27, 2011. Alternatively, the Board could instead move to set other requirements; it can be done however the Board wants. She expressed hopes that the ad would be done by the end of the Board meeting on September 27, 2011.

Mr. Taniguchi asked if the Board could make a Motion so it could establish a draft ad, which could be tweaked into a final version later. This would be in case the Board wanted to add something else afterwards.

Ms. Garson explained that the Board could choose to go ahead and fill in the duties in the draft ad, so that the Board had something more concrete to work with at the next meeting. If the Board wishes, the Board might go ahead and add things to the minimum requirements today.

Chairperson Mukai suggested that the Board *not* make a decision on the minimum requirements today, and instead, each Board member could come up with his own draft ad that the Board could hash over at the next meeting. He asked if, instead, the Board wanted to tackle it *now*.

Ms. Garson said the decision was entirely up to the Board. She suggested that she and the Manager-Chief Engineer could together work on the top part of the advertisement, to fill in the duties. She asked what kind of things the Board would like to see in the top part of the ad.

The Manager-Chief Engineer said that Ms. Garson is saying that he and Ms. Garson could fill in the blanks and come back to the Board at the next meeting.

Ms. Garson confirmed this.

The Manager-Chief Engineer said the Board needs to be making more progress here, because time is running out. He suggested that the Board decide today how the Board wants to do the advertisements. Although the Fire Commission did its ads on three consecutive Sundays, he suggested doing the ads on two Sundays.

Mr. Lindsey asked whether there was an acting Manager-Chief Engineer lined up.

Ms. Garson said that Mr. Antonio, as Deputy, would step in as Acting Managing-Director.

The Manager-Chief Engineer quipped that if need be, he (Mr. Pavao) would follow the example of then-outgoing Fire Chief Darryl Oliveira, who volunteered to work post-retirement without pay during the search for the next Fire Chief.

Mr. Kaneshiro joked that in that case, the Board could take its time.

Mr. Lindsey said the Board would not do that to Mr. Pavao.

Chairperson Mukai said that a lot of work obviously went into the draft ad that HR did. He asked whether, if the Board adopts the draft ad, the Board could also put wording in the ad referring the applicants to the HR website to see the full list of duties for the position. The wording could read: "Please go to the website for a description of the position."

Ms. Garson said yes, that is what HR does when they do the normal recruitment process. She said that she wanted to take out the wording in Page 3 of 3 that says "five years of progressively responsible administrative work experience," and substitute it with "five years," as written in the Charter.

Mr. Perry asked what is in the Charter.

Ms. Garson said it was "five years."

Chairperson Mukai said it is "five years of administrative capacity."

Mr. Taniguchi said the draft ad was better; it has more detail.

Chairperson Mukai said that he did not want to run afoul of legality. He would like to look into defining what administrative capacity means, without changing the Charter requirements. He thought that such defining verbiage would help HR with regards to the recruitment.

Ms. Garson said okay.

Chairperson Mukai asked whether the Board would run afoul of the Charter if the Board added the requirement for a Hawai'i driver's license.

Ms. Garson said no, she thought that requirement was in all recruitment, because employees need to drive in case of emergencies.

Mr. Taniguchi noted that it said "type 3 driver's license."

Ms. Garson said that this is only HR's draft.

Mr. Taniguchi asked whether, if the Board adopts the draft ad, the ad should have something more specific in it to describe the job itself. He said that this has to be the 'real meat and potatoes stuff.'

The Manager-Chief Engineer said the Board needs to distinguish between the position description and what kind of experience the Board is looking for. These are two different things; the Board cannot rely on this as experience.

Ms. Garson agreed.

Mr. Taniguchi said that this is part of the job description, which the Board will need to determine later.

Chairperson Mukai said that the Board should maybe digest all of this, and discuss it at the next Board meeting, unless the Board wants to adopt the draft ad at this time.

Mr. Kaneshiro asked whether the draft in question was Exhibit B in the packet.

Ms. Garson confirmed this, adding that this is a draft position description. She asked the Board to have their comments on the draft position description ready for the next Board meeting.

Chairperson Mukai suggested that maybe the Board was in the position right now to make a Motion to discuss the position description.

Mr. Kaneshiro said no.

Mr. Greenwell and Mr. Kaneshiro both asked whether this position description is only a draft.

Chairperson Mukai confirmed that it was only a draft.

Mr. Greenwell asked if the Board could use this draft in the recruitment process.

Ms. Garson said no, this is just a draft. If the Board wants to use it, the Board would need to finalize it and adopt it. She suggested that someone on the Board could make a Motion to approve this draft of the position description, and then they could rely on it.

Mr. Taniguchi asked whether the Board would need to adopt the position description first.

Ms. Garson said the Board would need to adopt it if the Board is going to refer to the position description in the advertisements.

Mr. Taniguchi asked whether the Board needed to adopt it today.

Ms. Garson said no, it could be done at the next meeting.

Mr. Taniguchi asked if it is possible for the Board to do a timeline today, so the Board at least knows what the drop-dead dates are.

Chairperson Mukai said this was very good. He asked the Board to review the job description, and the Board will take it up at the next meeting for possible adoption.

Mr. Perry asked if the job description was Exhibit B.

Chairperson Mukai said yes, it is Exhibit B, developed by HR. He opened the floor to discuss on the procedural process. He recapped that Mr. Ashida said that the Fire Commission did three weeks of advertising for the Fire Chief position in the Hawai'i Tribune-Herald, West Hawai'i Today and the Honolulu Star-Advertiser. The applications were received on-line and were sent directly to HR. HR did its due diligence and came up with a list of qualified applicants, he said.

MOTION: Mr. Perry moved that HR handle the recruitment process, with advertisements three consecutive weeks in the Hawai'i Tribune-Herald, West Hawai'i Today and the Honolulu Star-Advertiser; seconded by Mr. Taniguchi.

Ms. Garson asked whether that means that the Board would not be advertising in the Maui and Kauai newspapers.

Chairperson Mukai said he thought the Board should advertise in the Maui and Kauai papers. He said the Board owes it to the Department to do the best work it could on the recruitment.

Mr. Kaneshiro asked if there was any requirement on the number of times that the position has to be advertised.

Ms. Garson said she could find no such legal requirement, but she thought the minimum should be two times.

Mr. Kaneshiro asked if this meant two times in all of the papers in the state.

Ms. Garson said it should be two times, out of fairness.

Mr. Kaneshiro said that two times in all of the papers in the state would be sufficient.

Mr. Greenwell said the Board should go with the minimum of two weeks, for the sake of economy.

Ms. Garson noted that the position would also be posted on the County of Hawai'i website, at no expense.

Chairperson Mukai said the Motion on the floor was for three weeks in the Hawai'i Tribune-Herald, West Hawai'i Today and the Honolulu Star-Advertiser, with HR handling everything. If the Board wants to change that, someone would need to make an Amendment to the Main Motion.

Ms. Garson at this point asked Ms. Aton about the cost of advertising.

Ms. Aton pointed to Ms. Snyder, who said that, assuming there was a lot of text, the Tribune-Herald ad would cost \$200-300 each time, as would the West Hawai'i Today. Ms. Snyder said she had never dealt with the Star-Advertiser, so she did not know their rates.

The Manager-Chief Engineer figured it would cost about \$900 for the three newspapers each time.

Ms. Snyder said to be conservative, it would be around \$1,000 per time, per Sunday.

Mr. Taniguchi wondered why the Fire Commission had decided to run their ads three times.

Ms. Garson said that according to Mr. Ashida, the Fire Commission had a Rule that mandated advertising three times. However, the Water Board does not have such a Rule.

Mr. Perry thought that running the ads three times would be more inclusive, albeit expensive.

Mr. Kaneshiro asked if it would be possible to put an article in the paper regarding the impending retirement of Mr. Pavao, along with the message that the Board is seeking his successor. This would be a freebie, he noted.

Ms. Aton said she could do a press release.

Chairperson Mukai asked the Board to keep in mind that the Motion on the floor is to advertise three weeks in the Hawai'i Tribune-Herald, West Hawai'i Today and the Honolulu Star-Advertiser, and to have HR handle the applications. He said he would entertain an Amendment to the Main Motion.

Mr. Perry asked if the Board wanted to advertise on Maui and Kauai.

Chairperson Mukai said this is just the discussion phase. He said that although it would cost money to advertise on Maui and Kauai, he believed the Board owed it to the people of the Big Island to do as good of a recruitment as possible.

Mr. Kaneshiro wanted to call for the question.

Ms. Garson said it was better to do a friendly Amendment to the Main Motion, rather than to vote the Main Motion down and have to rehash, especially since the Main Motion had a combination of things, including having HR handle the applications.

Chairperson Mukai entertained an Amendment to the Main Motion, to include advertising on all of the Neighbor Islands.

AMENDMENT TO THE MAIN MOTION: Mr. Perry moved to amend the Main Motion to include advertising on Maui and Kauai; seconded by Mr. Taniguchi.

Mr. Taniguchi asked if this could be withdrawn, so that the Board could first vote on having HR handle the applications, and deal with the number of times that the ads would run later. That might be easier, he said.

Ms. Garson said that the Main Motion can be withdrawn, and the Board can handle this in two different steps.

Mr. Taniguchi said that might be easier, because everybody is in agreement on running ads in all of the papers. He suggested that Mr. Perry withdraw his Main Motion, and Mr. Taniguchi would withdraw his second.

MAIN MOTION WITHDRAWN: Mr. Perry withdrew his Motion; second withdrawn by Mr. Taniguchi.

MOTION: Mr. Perry made a new Motion, moving that the Department of Human Resources handle the application process; seconded by Mr. Taniguchi.

Ms. Garson confirmed that this meant that HR would receive the applications and qualifications.

ACTION: Motion carried unanimously by voice vote.

Chairperson Mukai called for a Motion regarding the advertising.

MOTION: Mr. Perry moved that the Board advertise three consecutive weeks in the Hawai'i Tribune-Herald, West Hawai'i Today and the Honolulu Star-Advertiser, along with the Maui and Kauai newspapers; seconded by Mr. Taniguchi.

AMENDMENT TO MAIN MOTION: Mr. Kaneshiro moved to amend the Main Motion to change it to two weeks, instead of three weeks; seconded by Mr. Greenwell.

Mr. Kaneshiro said that advertising two consecutive weeks would be sufficient, and he recommended that the Chairperson ask someone on the Board to write about the impending retirement of Mr. Pavao and the recruitment of his successor.

Mr. Lindsey asked why the Board would reduce the advertising to two weeks, instead of three weeks.

Ms. Garson said she did not have a position on this, but urged the Board to consider the calendar if the Board wants to have a new Manager-Chief Engineer in place by December 31 or January 1. She said three weeks is a month, and it is September now. That means that the Board would need to have the advertisement ready to go by the next meeting, because for all of October, the applications would be coming in and HR will be going through all of the applications. That would take things to November, when the Board would need to conduct all of the interviews. The time frame at that point would be November-December, i.e., holiday season. She said she is not arguing against three weeks versus two weeks, but the time frame is an important consideration. She worried that in November and December, with the holidays, the Board might have trouble making quorum. In any case, it is the Board's call.

Mr. Greenwell, answering Mr. Lindsey's question, said that the reason for wanting two weeks instead of three weeks is purely an economic consideration, especially since the Board will run the ads in all of the state's newspapers.

Chairperson Mukai said he assumed that the two consecutive weeks would not be contingent on the Board getting an article in the paper, because that article may come out in November or December.

Ms. Aton said it was unclear when such article would run in the newspaper. Such an article would surely be newsworthy and it is likely that the newspaper would pick the article up, but there is no guarantee.

Chairperson Mukai called for the question on the Amendment to the Main Motion, to reducing the amount of consecutive advertising from three weeks to **two weeks**.

ACTION: Motion carried with five (5) Ayes: (Messrs. Greenwell, Kaneshiro, Lindsey, and Taniguchi and Chairperson Mukai); and one (1) Nay: (Mr. Perry).

Chairperson Mukai then called for discussion on the Main Motion as Amended, that the Board advertise for two consecutive weeks in the newspapers on Maui, Kauai, the two Big Island dailies (Hawai'i Tribune-Herald and West Hawai'i Today) and the Honolulu Star-Advertiser.

ACTION: Main Motion as Amended carried unanimously by voice vote.

Mr. Kaneshiro asked whether someone on the Board would be directed to write an article so that the Board can get some free advertisement on the application process.

Chairperson Mukai said this could be done. He asked Ms. Aton to take care of the article, adding that the article should be submitted after the Board firms up the arrangements with HR.

Ms. Aton said that once the Board establishes the timeline and the mapped-out plan, etc., she would put together a press release and invite the reporters to come to talk about it.

Ms. Garson asked whether the Board wants to use the electronic application process, or the traditional process (i.e. paper applications, mailed in). She asked whether she should ask HR if they could handle both online and paper. She asked whether the Board had a preference.

Mr. Kaneshiro suggested going with both on-line and paper, because some people do not have computers.

The Manager-Chief Engineer noted that recently, DWS had two positions advertised which went through HR's on-line process. However, the on-line process had some bugs in it, such that the applications did not meet the deadline. The Manager-Chief Engineer had to waive the deadline to allow the applications. Because there still are bugs in the on-line system, the Manager-Chief Engineer recommended that the Board go with both on-line and paper applications.

Chairperson Mukai said he preferred going with only on-line, because the on-line system, bugs and all, would still allow HR to determine whether the applications came in on time. With people mailing in their applications, HR would get people contesting the date stamp or contending that the mail was slow, etc. He reiterated that he preferred electronic applications.

Mr. Taniguchi asked whether people can send in attachments through the electronic system.

Ms. Garson said yes, attachments can be sent through the electronic system.

Mr. Taniguchi asked if the applications for the Liquor Control Director were done electronically.

Ms. Garson said no, the electronic system had just started.

Mr. Taniguchi said electronic is a lot easier.

Ms. Garson said that the Board will have to allow extra time to the application process with mailed-in applications, because the postmark date will be the cut-off date. She cautioned the Board to watch the time frame.

Mr. Taniguchi asked if HR could handle both on-line and paper applications, should the Board decide to go with both methods.

Ms. Garson said she did not know; she would ask HR if they could handle both methods. She said that the Board would need to allow extra time with snail mail.

The Manager-Chief Engineer said that in the last two weeks, DWS had two instances where the Department had to give special consideration due to problems with the on-line application process.

Mr. Taniguchi asked what kind of problems.

The Manager-Chief Engineer said HR did not get the applications on time due to computer glitches that were not the applicants' fault.

Mr. Greenwell asked if there was a difference between the postmark and wording that says "must be received by."

Ms. Garson said there was a difference. If the deadline is, for example, October 15, the Board would have to specify whether or not the applications must be postmarked by October 15, or received by October 15.

The Manager-Chief Engineer said that DWS always stipulates "must be received by" in bids and other time-sensitive matters.

Chairperson Mukai asked for a Motion to determine how the applications should be submitted. He said that if HR comes back and says it can only take applications on-line, then so be it.

Ms. Garson said she would ask HR, and would let the Board know by the September 27 meeting.

Chairperson Mukai suggested that the Board make a decision today, and the Board can always revisit it if HR says it can only handle on-line applications.

MOTION: Mr. Kaneshiro moved that the applications be received by a certain date, instead of postmarked by a certain date; seconded by Mr. Perry.

Ms. Garson said that implicit in Mr. Kaneshiro's Motion is that both on-line and paper applications are allowed.

Mr. Kaneshiro confirmed that he meant both methods were allowed.

Chairperson Mukai recapped the Motion as being that applicants can apply either electronically or via mailed-in paper applications, and that the applications must be received by a specified date.

Mr. Kaneshiro said the "received by" date would apply either to electronic or mailed-in applications.

ACTION: Motion carried unanimously by voice vote.

Ms. Garson broached the subject of salary. She cautioned the Board not to say aloud the confidential portion of one of the sheets, regarding the exact salary of the highest-paid civil servant in DWS.

Mr. Taniguchi proposed making a Motion to have the salary based on the grade of A-17, which he assumed was the Manager-Chief Engineer's position.

Ms. Garson said that information on the A-17 was old.

MOTION: Mr. Taniguchi moved to advertise the position in a range for the A-17 pay grade; seconded by Mr. Lindsey.

Ms. Garson said that regarding the pay range issue, the Board has before it the December 1 Executive Salary Schedule. She explained that the Mayor's salary is the A-20 grade, the highest grade. A-19 denotes a Managing Director or Prosecuting Attorney. A-18 is for the Fire Chief, Police Chief, Corporation Counsel, HR Director, Environmental Management Director, Finance Director, Housing Director, Planning Director and Public Works Director.

Mr. Taniguchi asked whether the DWS Manager-Chief Engineer is an A-17.

Ms. Garson said that the DWS Manager-Engineer is not on this pay plan; the A-17 information is old.

Mr. Taniguchi said that on the cover of the County form before the Board indicates that the Manager-Chief Engineer is an A-17.

Ms. Garson said yes, but that dates back to 1991. The salary schedule came out after that, she said. In any case, the Manager-Chief Engineer is not on that salary schedule.

Mr. Taniguchi asked whether the grade had remained the same, or was changed.

Ms. Garson said that in any case, the Board sets the salary of the Manager-Chief Engineer, so the position's salary has nothing to do with the A-17 pay grade.

Chairperson Mukai reminded the Board that the Motion on the floor is to advertise the salary based on the A-17 pay grade. He noted that this position does not fall under any pay grade jurisdiction, but added that the Motion to advertise the salary based on the A-17 pay grade is still on the floor.

Mr. Perry asked about the columns on the form, listed as A through J.

Ms. Garson explained that these columns represent step movements, as set by the Salary Commission. She reiterated that the Manager-Chief Engineer is not subject to this salary schedule; the salary schedule was provided merely for the sake of comparison. This shows the Board what the other Department heads make. She said she did not know where the A-17 came from; she did not think that was accurate. Ms. Garson said that she herself is an A-17, as Assistant Corporation Counsel.

Mr. Kaneshiro asked whether the step increases were basically a within-grade increase over time.

Ms. Garson said yes, that is the way it used to work, but there is a freeze in step movements currently in place, so nobody's salary is moving anywhere at this time.

Chairperson Mukai said that the Board can advertise any salary it wants, but reiterated that the Motion on the floor is to advertise based on the A-17 pay scale.

Ms. Garson said she was worried about using the A-17; the salary range is just a number.

Mr. Taniguchi said that it would be a range, rather than a salary. It is a range between two numbers, from which the Board can make a determination.

Mr. Kaneshiro said that it is between \$109,000 and \$123,000.

Chairperson Mukai said no, it starts at \$94,284.

Mr. Taniguchi said that number dates back to 2007; he asked what the current 2011 range for A-17 is.

Mr. Perry said the Board does not know what that range is. He asked why the Board would want to make a Motion on something it does not know about.

Chairperson Mukai said that as far as he knew, the Salary Commission has not met for a while, and was not sure how many changes have been made since 2007. He was on the Salary Commission at the end of 2006, when the Commission passed all of the salary schedule.

Ms. Garson said that this *is* the current salary schedule, because it has not changed since 2007.

Mr. Kaneshiro said that in that case, the range would indeed be from \$109,000 to \$123,000.

Ms. Garson said no.

Mr. Taniguchi said the range for A-17 would be \$94,284 to \$123,024.

Chairperson Mukai said that the Motion on the floor is using the pay scale for A-17, which is \$94,284 to \$123,024.

Ms. Garson pointed out that the Manager-Chief Engineer is not an A-17.

Chairperson Mukai said that that is what the Motion on the floor is, and the Board can vote it down and do a different Motion.

The Manager-Chief Engineer said that the Board has the right to set anything it wants.

Ms. Garson said that she and the Manager-Chief Engineer are both saying that the Manager-Chief Engineer is not an A-17, and that the Board is not ruled by that grade.

Mr. Taniguchi said the Board is just using that pay grade number for advertising purposes.

Mr. Perry added that the range for advertising purposes should be the one for A-17.

The Manager-Chief Engineer suggested that, rather than use the A-17 pay grade with the bottom of the range at \$94,284, the Board should instead consider the salary of the highest-paid civil servant in DWS, and go five percent higher as the starting range. Otherwise, the new Manager-Chief Engineer would be making less than the highest-paid civil servant in the Department.

Chairperson Mukai said this was a point well taken, but said it was only a range.

Mr. Taniguchi said that the range would still take the salary higher than the highest-paid civil servant.

The Manager-Chief Engineer said not really; the bottom of the range is lower than the salary of the highest-paid civil servant in DWS.

Mr. Kaneshiro said this was true.

Mr. Taniguchi said it was only a range for advertising purposes.

Chairperson Mukai said if, for example, the Board gets a super-qualified candidate that it wants who is currently making \$110,000, the Board will not offer him only \$94,000. He reiterated that the range in the Motion is only a range.

Mr. Kaneshiro called for the question.

Chairperson Mukai, recapping the Motion, said it called for using for advertising purposes the A-17 pay range, from \$94,284 to \$123,024.

ACTION: Motion carried with five (5) Ayes: (Messrs.Greenwell, Lindsey, Perry and Taniguchi, and Chairperson Mukai); one (1) Nay: Mr. Kaneshiro.

The Manager-Chief Engineer said the Board might want to consider what information the Board plans to release.

Chairperson Mukai said yes, that was the next topic. He noted that Mr. Ashida had said that the Fire Commission had only released the names of the finalists for the Fire Chief position.

MOTION: Mr. Kaneshiro moved that the Board follow the Fire Commission's policy, by releasing only the names of the finalists; seconded by Mr. Greenwell.

Ms. Garson clarified that in the case of the Fire Chief recruitment, all of the applicants sent in their applications to HR, and what was made public was basically everyone who met the minimum qualifications. In the case of the Fire Chief recruitment, only a limited number of people met the minimum qualifications. Ms. Garson asked the Board how it was defining the **final list**. She asked whether the final list means everybody who is vetted by HR who meets the minimum qualifications, and whether those names are made public.

Mr. Kaneshiro said it means the list of all of the people who are qualified that HR sends to the Board; this would be the short list or whatever the Board wants to call it.

Chairperson Mukai said that Ms. Garson was alluding to the fact that the short list for the Fire Chief recruitment was very short. In the case of the Manager-Chief Engineer recruitment, the short list might have 25 names. Therefore, the question is whether those 25 names are to be made public.

Mr. Perry said he expected that the Board would have a short list, and then a short, short list with five or so names.

The Manager-Chief Engineer said that when he was selected in 1994, there were 20-something applicants. The Board whittled the list down to just three names, and those three names were made public. Those three people faced the full Board in interviews, and their names were the only applicants' names that were made public.

Mr. Taniguchi asked whether the Board had to determine ahead of time how many people are going to make the final list.

Ms. Garson said, no, the Board could decide that later. She said that Mr. Ashida was talking about having wording in the advertisements that alerts applicants that their names may be made public at a certain point in time. For example, the wording could say that the names of finalists will be made public, she said.

Chairperson Mukai agreed, saying that *that* wording would go into the advertisements that will run in all of the newspapers. He said that the Board may determine that the number of those who will be interviewed will be five, or the Board can determine what constitutes the list of finalists.

Mr. Taniguchi said this could be determined by the Board at a later date.

Ms. Garson said that at the point where the Board is interviewing people, there will be no confidentiality as to who the applicants are; somebody can just stand outside and watch all the interviewees go in.

Chairperson Mukai said a question had been called for.

Ms. Garson recapped the Motion to have the final list, however long it is, be made public.

ACTION: Motion carried unanimously by voice vote.

B. EXECUTIVE SESSION RE: PROCESS AND CRITERIA FOR SELECTION OF NEW MANAGER-CHIEF ENGINEER OF THE DEPARTMENT OF WATER SUPPLY:

The Water Board 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.

Chairperson Mukai said that there was no need to go into Executive Session.

Ms. Garson agreed, saying that the Board will decide the timeline and the interview-related matters at the regular Water Board meeting on September 27, 2011. At that time, the Board will come up with a sample timeline and set aside two meetings for interviews.

Mr. Taniguchi said that would depend on how many people apply.

Ms. Garson advised that if there are not that many applicants, it would be best to set aside two dates for interviews.

STATEMENTS FROM THE PUBLIC:

There were no Statements from the public.

Chairperson Mukai raised the timing of the next Special Meeting on the Selection of the Manager-Chief Engineer, noting that it was tentatively scheduled for Tuesday, October 11, 2011. He noted that the following day, October 12 was the start of the Hawai'i Water Works Association (HWWA) conference, and many DWS staff would be preparing for the conference and thus would be unable to attend the Special Meeting. He asked, in light of the conflict with the HWWA conference, whether another Special Meeting was needed, and if so, what the date of the Special Meeting should be.

Mr. Perry suggested that the Board defer a decision on that until the September 27 regular meeting.

The Manager-Chief Engineer suggested that the Board re-schedule the Special Meeting for Monday, October 10, 2011, because that way the meeting will be on record and thus alleviate the need to pay for advertising it.

Ms. Garson confirmed this, and added that the October 10, 2011, Special Meeting would be noted on the Agenda of the September 27, 2011, regular meeting. She suggested that the Board hold another Special Meeting because the Board has its work cut out for it; the Board still needs to decide on the interview questions, etc. The Board can be working on things like that while the position is out for advertisement during October.

Chairperson Mukai called for a Motion to change the date of the next Special Meeting to Monday, October 10, 2011.

MOTION: Mr. Greenwell so moved; seconded by Mr. Kaneshiro.

(Mr. Kaneshiro excused himself briefly at 12:05 p.m., and was absent until after the meeting adjourned.)

Chairperson Mukai suggested that the Special Meeting begin at 10 a.m., and be held in Hilo.

ACTION: Motion carried with five Ayes: (Messrs. Greenwell, Lindsey, Perry, Taniguchi and Chairperson Mukai); Excused: (Mr. Kaneshiro).

ADJOURNMENT

Chairperson Mukai adjourned the Special Meeting at 12:06 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 Shiota, Secretary, at 961-8050 as soon as possible, but no later than five days before the scheduled meeting.

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

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.