

MINUTES

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

December 14, 2011

Department of Liquor Control, Conference Room, Hilo Lagoon Centre, 101 Aupuni Street, Suite 230, Hilo

MEMBERS PRESENT: Mr. Dwayne Mukai, Chairperson
Mr. Robert Meierdiercks, Vice-Chairperson
Mr. David Greenwell
Mr. Delan Perry (arrived at 8:15 a.m. on December 14, 2011)
Mr. Rick Robinson
Mr. Art Taniguchi
Mr. Kenneth Kaneshiro
Mr. Bryan Lindsey
Mr. Jay Uyeda
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
Mr. Harry Kim, former Mayor of County of Hawai‘i
Ms. Nancy Cook Lauer, West Hawai‘i Today

Department of Water Supply Staff

Mr. Quirino Antonio, Deputy
Ms. Kanani Aton, Public Information and Education Specialist
Mr. Clyde Young, Mechanical Engineer V
Mr. Daryl Ikeda, Operations Chief
Mr. Mark Yoshioka, Information Systems Analyst V

CALL TO ORDER - Chairperson Mukai called the Special Meeting to order at 8:05 a.m.

STATEMENTS FROM THE PUBLIC:

(Former Mayor Harry Kim gave the following testimony, recorded verbatim:)

MR. KIM: “I was telling a friend that Jay (Uyeda)... I coached in football. And I coached many kids, and he’s gotta be one of the quickest backs I’ve ever seen or coached.

MR. UYEDA: Used to be.

MR. KIM: And temperament-wise... This is not to blow smoke, but temperament-wise, he was always the same, such a gentleman. Unlike Art. You know, last time I came here, I came to speak to you guys about the Hawaiian Ocean View well. And I was not aware that one of the speakers was

from Hawaiian Ocean View. Had I known that, I would have told you, but you already know, but especially him, how much I appreciated the Department of Water Supply, and what they have done for this community. And *know*, Board members, that... Commissioners, when I say the Department of Water Supply... I know the laws, and I know you're an independent body. As Mayor, and at Civil Defense, I knew what my authority was, and was *not*. I totally respect that. I even admire that, and naturally, I abide by that. The Department of Water Supply...it took a lot of gas from certain people in the public, because I, as Civil Defense (administrator), as Mayor, asked of people so many things that are beyond the authority... the responsibility. Obviously well beyond my authority it was to ask. And one of them was the Hawaiian Ocean View well. And if Department of Water Supply and you people did not approve of that well, which is going to be opened shortly... And I know you know, but forgive me for that...there is no water well for the public between Nā'ālehu...north of Nā'ālehu all the way to South Kona. In order to illustrate the vast area...which is the size of Oahu and more...without a water well. And they worked for so many years to get it, with failure after failure. And it was Governor Cayetano who said I will release the money only if the County government agrees to be the administrator of that. And so naturally, we grabbed it because we we'd been pushing for it, with the community. And you were the only people I knew that could handle it. But that goes for so many other things...not only the water well in Hawaiian Ocean View Estate, but the so-called "waipuna" stations...the spring water stations where people by the thousands... There's roughly about 50,000 people on this island that depend on a catchment system. And we had to take water from the fire hydrants, dangerously, by the side of the road. This money...given to us by Senator Inouye... Again, who do I go to see? We don't know anything about these water things. So we go to see the people at Water Supply, realizing fully we're asking you...will you help us help the public, because we can't do it. We don't have the expertise. I go...Coastview/Oceanview (sic), same thing. The hundreds of families there that for years were paying way beyond what they should have for a poor-quality delivery system. Again, who did we go to see? You people. Will you take this on? I wish the public could see that, and understand your authority...that you're not responsible for these things. It is us asking. And this is why I'm here, in my total appreciation for Milton, for Quirino, because those are the two people from Civil Defense that, as Mayor, I constantly went to ask. There would be smaller things like a private water system breaking down... And to ask them if they could lend a helping hand until their water system is repaired... Or there's your system breaking down... and in cooperation with the Civil Defense and the Mayor's Office...in making the public aware of what the problem is, so there would not be any problem with regards to their impatience, etc. What this calls for is a continuous working relationship with the administration, of Civil Defense and the Mayor's Office, with the administration, of the Department of Water Supply. I can forever, you know, go to them... I don't know how many groups...to express my appreciation of Milton and Quirino...and people before them, in regards to how they help us do our job, and it was our job that we asked you people and them...to help us do it. Because I know the laws, and it was well beyond your responsibility to say yes. And that wasn't only of manpower, but the Coastview/Wonderview project would not have gone... We would've fallen flat on our face mid-way through because of shortage of resources. Definitely, the Ocean View well would not have gone, etc., etc. So I'm here, yes, to support Quirino, but also to express my total appreciation of the Commission, and the total administration of the Department of Water Supply. I wish the public would know... I know the public bitches a lot... I think that's our job. I like being on that side of the fence, because I can bitch now. But really, I wish they knew... I told Quirino, it's really hard to come here today to express appreciation of Water after two weeks of rain... But really, I appreciate you guys. Thank you very much for listening to me today.

MISCELLANEOUS:

A. EXECUTIVE SESSION RE: INTERVIEWS OF APPLICANTS AND DISCUSSION REGARDING SELECTION OF NEW MANAGER-CHIEF ENGINEER OF THE DEPARTMENT OF WATER SUPPLY:

The Water Board anticipates convening an executive meeting, closed to the public, pursuant to Hawai'i Revised Statutes, Sections 92-4, 92-5(a)(2), 92-5(a)(4), 92-5(a)(8) and Hawai'i County Charter Section 13-20(b) to interview applicants for the position of Manager-Chief Engineer, where consideration of matters affecting privacy will be involved, to deliberate or make decisions upon matters that require the consideration of information that must be kept confidential pursuant to state or federal law, or a court order, and 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.

MOTION: Mr. Uyeda moved to go into Executive Session; seconded by Mr. Taniguchi, and carried unanimously by voice vote.

(The Manager-Chief Engineer, the Deputy, Ms. Aton, Mr. Kim, and Mr. Young left the meeting at 8:14 a.m.)

The Executive Session began at 8:14 a.m., and ended at 2:36 p.m. The Chairperson called for the Board to recess at 2:37 p.m. on **December 14**, 2011, and to reconvene on December 15, 2011 at 9:00 a.m.

The Water Board reconvened at 9:04 a.m. on **December 15**, 2011.

Chairperson Mukai entertained a Motion to go back into Executive Session.

Mr. Meierdiercks asked whether the Board should accept Statements from the Public first.

Ms. Garson said no, the Board would not accept any further Statements from the Public because the Board was reconvening; today's session is merely a continuation of the December 14, 2011, meeting.

MOTION: Mr. Meierdiercks moved to go into Executive Session; seconded by Mr. Greenwell, and carried unanimously by voice vote.

The Board went into Executive Session at 9:05 a.m.

The Executive Session closed at 12:03 p.m.

MOTION: Mr. Robinson moved to recess for lunch; seconded by Mr. Uyeda, and carried unanimously by voice vote.

Chairperson Mukai said the Board would reconvene at 12:45 p.m.

B. SELECTION OF NEW MANAGER-CHIEF ENGINEER:

The Water Board discussed and selected a new Manager-Chief Engineer of the Department of Water Supply. Under consideration were the following applicants:

1. Quirino Antonio
2. Owen M. Nishioka
3. Keith Okamoto
4. Clyde K. Young

The Board reconvened at 12:45 p.m.

(Ms. Cook Lauer and Ms. Aton, and Messrs. Yoshioka, Ikeda and Young, as well as the Manager-Chief Engineer and the Deputy arrived at 12:45 p.m.)

Ms. Garson explained the balloting process to the Board. She said that Corporation Counsel had typed up ballots, with one for each Board member with his name on it. Each ballot also had each of the

candidates' names with a check box next to each candidate's name. Ms. Garson instructed the Board to select a candidate (by checking the check box next to the candidate's name) and sign the ballot. Ms. Garson would then collect the ballots. This process of voting and then of having the folded ballots collected would avert Board members being influenced by other members' votes, she said. Ms. Garson was to hand the folded ballots to the Secretary, who opened them and read each member's name and the member's selection. The Secretary would then ask each member to confirm his vote as correct. Ms. Garson asked the Board if they approved this procedure.

Chairperson Mukai said the Board approved the procedure.

The Secretary read the ballots. *The following is the verbatim transcript:*

SECRETARY: Board Member Uyeda, you have voted for Quirino Antonio. Is that correct?

MR. UYEDA: Correct.

SECRETARY: Board Member Robinson, you have voted for Quirino Antonio. Is that correct?

MR. ROBINSON: Correct.

SECRETARY: Board Member Kaneshiro, you have voted for Quirino Antonio. Is that correct?

MR. KANESHIRO: Correct.

SECRETARY: Board Member Greenwell, you have voted for Quirino Antonio. Is that correct?

MR. GREENWELL: That is correct.

SECRETARY: Board Member Lindsey, you have voted for Quirino Antonio. Is that correct?

MR. LINDSEY: Yes.

SECRETARY: Chairperson Mukai, you have voted for Quirino Antonio. Is that correct?

CHAIRPERSON MUKAI: Correct.

SECRETARY: Vice-Chairperson Meierdiercks, you have voted for Quirino Antonio. Is that correct?

VICE-CHAIRPERSON MEIERDIERCKS: Correct.

SECRETARY: Board Member Taniguchi, you have voted for Quirino Antonio. Is that correct?

MR. TANIGUCHI: Correct.

SECRETARY: Board Member Perry, you have voted for Clyde Young. Is that correct?

MR. PERRY: Correct.

SECRETARY: Eight votes for Quirino Antonio, and one vote for Clyde Young.

(End of verbatim transcript of the voting.)

MOTION: Mr. Meierdiercks moved to confirm the votes; seconded by Mr. Perry, and carried unanimously by voice vote.

Ms. Garson asked whether the Chairperson would like to congratulate the new Manager-Chief Engineer.

Chairperson Mukai congratulated Mr. Antonio.

Mr. Antonio thanked Chairperson Mukai.

Chairperson Mukai noted that the Board has a Committee to address specific things that DWS needs to address.

Mr. Antonio said he is looking forward to it.

Mr. Greenwell said that he would like the Board to acknowledge Ms. Garson, the Department's legal counsel, for shepherding the Board through the exhaustive selection process. Mr. Greenwell commended Ms. Garson for having done an excellent job of helping the Board through every step of the way.

Chairperson Mukai noted that the Board did not take lightly the task of selecting a new Manager-Chief Engineer. Once the task came before the Board, the Board met for many months to determine the questions that the Board would ask the candidates. The Board vetted all of the questions carefully, he said. The applicants were very qualified individuals, and each of the applicants was interviewed. The Board conducted second interviews, to get further clarification concerning some of the questions. Chairperson Mukai commended the Board for putting in a lot of hours during the selection process. He said that the Board can rest easy now; the Board did what it had to do as a Board. He commended especially the Board members from West Hawai'i, who traveled back and forth to Hilo for the past two days in a row for the Special Meeting. He commended the entire Board for a job well done.

Mr. Meierdiercks commended all of the applicants. He said it was a very arduous method of determination, with many things to consider. There were excellent applicants for the position. Mr. Meierdiercks said he appreciated the Board's diligence throughout the process.

Mr. Lindsey, noting that the Board was comprised of only men, commented that whenever the going gets rough for the Board, they turn to Ms. Garson, the Board's legal counsel, to see them through.

ADJOURNMENT

Chairperson Mukai entertained a Motion to adjourn the Special Meeting. The Chairperson noted that the next regular Water Board meeting will be next Tuesday, December 20, 2011, at 10:00 a.m., at DWS's Hilo Baseyard conference room.

ACTION: Mr. Meierdiercks so moved; seconded by Mr. Taniguchi. Motion carried unanimously by voice vote.

The Special Meeting adjourned at 1:53 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.

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.