

**DEPARTMENT OF WATER SUPPLY
COUNTY OF HAWAI‘I
WATER BOARD MEETING
AGENDA**

DATE: December 22, 2020

TIME: 10:00 a.m.

PLACE: Via web conferencing. Host location: 345 Kekūanaō‘a Street, #20, Hilo, Hawai‘i. The public may view the meeting via live stream at <https://www.facebook.com/HawaiiDWS>

Written Testimony: Anyone wishing to provide testimony on an agenda item may also do so by email to dws@hawaiiidws.org, facsimile to (808) 961-8657, or by mail to the Department of Water Supply at 345 Kekūanaō‘a Street, Hilo, HI 96720. Written testimony should be submitted no later than 12 noon, Monday, December 21, 2020, to be acknowledged at the board meeting. All written testimony, regardless of time of receipt, will be part of the permanent record.

Oral Testimony: Those that want to provide oral testimony during the meeting must email dws@hawaiiidws.org no later than 12 noon, Monday, December 21, 2020, with your name, phone number, email address, and the agenda item you wish to testify on. You may be asked to register and your testimony will be included via the web conference application.

- 1) CALL TO ORDER – 10:00 a.m. *(please turn cell phones off or set to silent)*
- 2) STATEMENTS FROM THE PUBLIC
- 3) APPROVAL OF MINUTES
 1. Minutes of the November 24, 2020, Public Hearing on the Power Cost Charge
 2. Minutes of the November 24, 2020, Public Hearing on the Proposed Changes to the Rules and Regulations of the Department of Water Supply of the County of Hawai‘i
 3. Minutes of the November 24, 2020, Regular Water Board Meeting

4) APPROVAL OF ADDENDUM AND/OR SUPPLEMENTAL AGENDA (if necessary)
(Note: Roll Call Required)

5) SOUTH KOHALA:

A. JOB NO. 2018-1085, PARKER #1 DEEPWELL REPAIR – REQUEST FOR ADDITIONAL FUNDS:

The contractor, Beylik Drilling & Pump Service, Inc., is requesting a contract change order for the additional work in association with previous attempts to install the pump assembly and an additional well extraction. The description of the additional work and associated fees are as follows:

ITEM	DESCRIPTION	AMOUNT
1.	Additional Mobilization/Demobilization due to fit-up of pump/motor coupling.	\$11,519.89
2.	Additional Well Extraction	\$31,671.36
	TOTAL	\$43,191.25

Staff reviewed the request for the additional funds and the accompanying supporting documentation and found that the \$43,191.25 can be considered justified.

Original Bid Amount: \$83,200.00

Original Contingency Amount: \$8,300.00

1st Additional Contingency Request: \$48,620.00 (Additional positive seal check valves)

approved at the 6/25/19 Water Board Meeting

2nd Additional Contingency Request: \$13,668.00 (Replacement pump discharge case) *approved*

at the 8/27/19 Water Board Meeting

3rd Additional Contingency Request: \$35,341.42 (Pump/motor half couplings, additional mobilization/demobilization, electrical splicing to extend power cable) *approved at the 6/23/20 Water Board Meeting*

4th Additional Contingency Request: \$43,191.25

Total Revised Contract Amount: \$232,320.67

RECOMMENDATION: It is recommended that the Board approve an increase in contingency of \$43,191.25 to Beylik Drilling & Pump Service, Inc., for JOB NO. 2018-1085, PARKER #1 DEEPWELL REPAIR. If approved, the total revised contract amount shall be \$232,320.67.

6) NORTH KONA:

A. PROPOSED SECOND AMENDMENT TO AMENDED AND RESTATED AGREEMENT REGARDING DEVELOPMENT OF SOUTH WAI‘AHA WATER SYSTEM AND TERMINATION OF AGREEMENT REGARDING DEVELOPMENT OF NORTH WAI‘AHA WATER SYSTEM:

Hualālai Partners of Kona, LLC, and HU-KO-PA LLC (HKP) are current members of the Wai‘aha System, along with Wai‘aha System LLC and Kohanaiki Shores LLC. These entities are parties to The First Amendment to the Amended and Restated Agreement Regarding Development of South Wai‘aha Water System and Termination of Agreement Regarding North Wai‘aha System (The First Amendment). Hualālai Partners of Kona, LLC, owner of TMK 7-5-017:043 is requesting to transfer 69 of its assigned 75 units to HKP, owner of TMK 7-5-017:042. The First Amendment allows for the transfer of units but requires written approval by the Water Board prior to the transfer of EUs to other TMK parcels.

The parcels in question are adjacent to the South Wai‘aha Water System that was installed as part of the First Amendment Agreement. It is represented that Wai‘aha System LLC and Kohanaiki Shores LLC will consent to the transfer of units subsequent to the Water Board’s approval. Staff has reviewed the proposed transfer of units and has no objections to the subject request. All other provisions of the Agreement will remain the same. If approved, the revised assignment of units from the Agreement will be as follows:

Tax Map Key 7-5-017:043 - 75 units – 69 units = **6 units**

Tax Map Key 7-5-017:042 - 60 units + 69 units = **129 units**

RECOMMENDATION: It is recommended that the Water Board approve the SECOND AMENDMENT TO AMENDED AND RESTATED AGREEMENT REGARDING DEVELOPMENT OF SOUTH WAI‘AHA WATER SYSTEM AND TERMINATION OF AGREEMENT REGARDING NORTH WAI‘AHA WATER SYSTEM subject to the approval of the Corporation Counsel as to form and legality and that either the Chairperson or the Vice-Chairperson be authorized to sign the document.

7) MISCELLANEOUS:

A. MONTHLY PROGRESS REPORT:

Submission of Progress Report of Projects by the Department. Department personnel will be available to respond to questions by the Board regarding the status/progress of any project.

B. REVIEW OF MONTHLY FINANCIAL STATEMENTS:

Submission of financial statements and information relating to the financial status of the Department. Department personnel will be available to respond to questions by the Board relating to the financial status of the Department.

C. MANAGER-CHIEF ENGINEER'S REPORT:

The Manager-Chief Engineer to provide an update on the following:

1. North Kona Wells
2. COVID-19 Update
3. Retirees of the Department of Water Supply

D. ELECTION OF CHAIRPERSON AND VICE-CHAIRPERSON FOR 2021:

Board to elect Chairperson and Vice-Chairperson for the 2021 term.

E. EXECUTIVE SESSION: MANAGER-CHIEF ENGINEER'S EVALUATION FOR CALENDAR YEAR 2020 AND APPOINTMENT OF PRIVATE SECRETARY:

The Board anticipates convening an executive meeting to consider the evaluation of the Manager for its annual performance review, and to discuss and consider the appointment and salary of a Private Secretary, pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(2) and (a)(4) and Hawai'i County Charter Section 13-20(b) where consideration of matters affecting privacy will be involved, and for the purpose of consulting with the Board's attorney on questions and issues pertaining to the Board's powers, duties, privileges, immunities and liabilities. A two-thirds vote of the members present, pursuant to HRS Section 92-4, is necessary to hold an executive meeting, provided that the affirmative vote constitutes a majority of the Board.

F. MANAGER-CHIEF ENGINEER'S EVALUATION FOR CALENDAR YEAR 2020:

Discussion/action on Manager-Chief Engineer's evaluation and compensation.

G. MANAGER-CHIEF ENGINEER RECOMMENDATION FOR APPOINTMENT OF PRIVATE SECRETARY:

Discussion and action on appointment and salary of Private Secretary.

H. CHAIRPERSON'S REPORT:

1. Chairperson to report on matters of interest to the Board.
2. Outgoing Water Board member – Mr. Nestorio Domingo, District 7, appointed April 13, 2017; term ending December 31, 2020.

9) ANNOUNCEMENTS:

1. **Next Meeting:** - January 26, 2021, 10:00 a.m., via Web Conferencing

10) ADJOURNMENT

Anyone requiring an accommodation or auxiliary aid and/or services to participate in this meeting (i.e. sign language, interpreter, large print), please contact the Board 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.