

MINUTES

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

December 21, 2021

Via Zoom/Host Location: Department of Water Supply, 345 Kekūanaō‘a Street, Suite 20, Hilo, HI

MEMBERS PRESENT: Mr. William Boswell, Jr., Chairperson
Mr. Eric Scicchitano, Vice-Chairperson
Mr. Michael Bell
Mr. David De Luz, Jr.
Mr. Steven Hirakami
Ms. Julie Hugo
Ms. Kea Keolanui (10:03 a.m.)
Mr. Benjamin Ney (10:06 a.m.)
Mr. Kenneth Sugai
Mr. Keith K. Okamoto, Manager-Chief Engineer, Department of Water Supply (ex-officio member)

OTHERS PRESENT: Mr. J. S. Yoshimoto, Assistant Corporation Counsel
Ms. Keyra Wong, Deputy Corporation Counsel
Ms. Elizabeth “Britt” Bailey, Deputy Corporation Counsel
Mayor Mitch Roth

Department of Water Supply Staff

Mr. Kawika Uyehara, Deputy
Ms. Candace Gray, Waterworks Controller
Mr. Kurt Inaba, Engineering Division Head
Mr. Gregory Goodale, Chief of Operations
Mr. William O’Neil, Jr., Water Service District Supervisor II
Mr. Eric Takamoto, Operations Division
Mr. Warren Ching, Energy Management Analyst
Mr. Owen Nishioka, Engineering Division

- 1) CALL TO ORDER – Chairperson Boswell called the meeting to order at 10:00 a.m. A roll call was taken for Water Board Members in attendance. Seven members were present: Mr. Bell, Mr. De Luz, Mr. Hirakami, Ms. Hugo, Mr. Scicchitano, Mr. Sugai, and Chairperson Boswell. (Note: Ms. Keolanui joined the meeting at 10:03 a.m. and Mr. Ney joined at 10:06 a.m.)

Mayor Mitch Roth was welcomed to the meeting and shared some words of appreciation for outgoing Water Board Members, William Boswell, Jr., District 8, appointed April 13, 2017, and Eric Scicchitano, District 4, appointed May 19, 2017. Both have their terms on the Board ending December 31, 2021.

Mayor Roth wished everyone a happy holiday season and thanked everyone for the great work they are doing on this Board. He especially recognized Mr. Scicchitano, who has served as Vice-Chairperson, and Mr. Boswell who has served both as Vice-Chairperson and as Chairperson of the Water Board, and for the

great service they have been doing. They both joined in 2017 and are coming to the end of their time on the Board. He expressed his appreciation to them both and they are presented with Certificates of Appreciation from the Mayor's Office. He wished everyone a happy holiday season and appreciation to the Board Members for doing their share for the County of Hawai'i and volunteering their time. (Mayor Roth left the meeting at 10:03 a.m.)

2) STATEMENTS FROM THE PUBLIC - none

3) APPROVAL OF MINUTES:

ACTION: Mr. Sugai moved for approval of the Minutes of the November 23, 2021, Water Board Meeting; seconded by Mr. Scicchitano and carried by roll call vote: Ayes – 8 (Mr. Bell, Mr. De Luz, Mr. Hirakami, Ms. Keolanui, Ms. Hugo, Mr. Scicchitano, Mr. Sugai, and Chairperson Boswell), Absent: 1 (Mr. Ney).

4) APPROVAL OF ADDENDUM AND/OR SUPPLEMENTAL AGENDA – none

5) SOUTH HILO:

A. VEHICLE BID NO. 2020-04, FURNISHING AND DELIVERING VEHICLES TO THE DEPARTMENT OF WATER SUPPLY:

The vendor, Inter Pacific Motors Inc., dba Orchid Isle Auto Center, is requesting a contract time extension of 90 calendar days for Parts B, C, D, and F of contract 2020-04. The delivery of the vehicles is being delayed due to production and shipping issues brought on by the COVID-19 pandemic. These delays are beyond the control of the vendor. *Note: There are no additional costs associated with this time extension.*

1st time extension – 90 calendar days Parts B, C, D, and F.

The Manager-Chief Engineer recommended that the Board approve a contract time extension of 90 calendar days for Parts B, C, D, and F to Inter Pacific Motors Inc., dba Orchid Isle Auto Center, for VEHICLE BID NO. 2020-04. If approved, the contract completion date will be revised from December 24, 2021, to March 23, 2022, for Parts B, C, D, and F.

MOTION: Mr. Ney moved for approval of the recommendation; seconded by Mr. Sugai.

Mr. De Luz stated that, unfortunately, the Department could receive yet another request for a time extension after this one. He explained that winter has its own challenges; but on top of that, Young Brothers will be taking their car carrier out to dry dock, which will put more pressure on other resources. This delay is beyond the dealer's control; and hopefully, the Department can get its vehicles, but these are the times we are in.

The Manager-Chief Engineer thanked Mr. De Luz for those comments.

Mr. Hirakami asked if the vehicles are 2020 models or 2021's.

The Manager-Chief Engineer replied they are 2021 models.

ACTION: A roll call vote was taken on the Motion. Motion was carried unanimously by nine (9) Ayes: Mr. Bell, Mr. De Luz, Mr. Hirakami, Ms. Keolanui, Ms. Hugo, Mr. Ney, Mr. Scicchitano, Mr. Sugai, and Chairperson Boswell.

6) SOUTH KOHALA:

A. JOB NO. 2020-1160, PARKER #2 DEEPWELL REPAIR – REQUEST FOR ADDITIONAL FUNDS AND TIME EXTENSION:

The Contractor, Beylik Drilling & Pump Service, Inc., is requesting a contract change order for the additional work for replacement of the existing discharge head due to the column assembly exceeding the lifting capacity of the Contractor’s pump rig, which was beyond the control of the Contractor. Additionally, the Contractor was forced to cut several column pipes in which they were unable to mechanically break the joints. The description of the additional work and associated fees are as follows:

ITEM	DESCRIPTION	AMOUNT
1.	Removal of the existing discharge head, furnish new discharge head and all appurtenances and installation.. Inclusive of labor, shipping and other related costs.	\$83,230.00
2.	Replacement of 9 damaged 10” x 20’ long galvanized steel column pipes. Inclusive of shipping.	\$36,770.00
	TOTAL	\$120,000.00

Original Contract Amount: \$783,000.00
 Original Contingency Amount: \$78,000.00
 1st Additional Funds Request: \$42,000.00
Total Revised Contract Amount: \$903,000.00

The Contractor is also requesting a contract time extension of 63 calendar days, due to the replacement of the discharge head. This delay was beyond the control of the Contractor.

Staff reviewed the request for the additional funds and time extension and found that the \$120,000.00 and 63 calendar days can be considered justified. *Note: There is \$78,000.00 remaining in the original project contingency. Payment of this work shall be performed by force account.*

1st time extension – 63 calendar days

The Manager-Chief Engineer recommended that the Board approve an increase in contingency of \$42,000.00 to Beylik Drilling & Pump Service, Inc., for a total project cost of \$903,000.00, and approve a contract time extension of 63 calendar days for JOB NO. 2020-1160, PARKER #2 DEEPWELL REPAIR. If approved, the contract completion date will be revised from February 28, 2022, to May 2, 2022.

MOTION: Mr. De Luz moved for approval of the recommendation; seconded by Ms. Hugo.

The Manager-Chief Engineer stated that there was an error in the agenda write-up. In the first paragraph, it says “exceeding the lifting capacity of the contractor’s pump rig” which is an inaccurate statement. The rig was adequate to lift the load. It was the actual material, the discharge head, and the surface plate which was deflected or deformed due to the weight of the column pipe and the water in the column pipe.

Mr. Ney asked where the line is drawn where you say this is attributable to the contractor maybe not necessarily anticipating things that should have been anticipated, or whether it is just a clear above-

and-beyond the scope of work. He mentioned that he does not like vagueness when it comes to contracts and likes things very specific.

Chairperson Boswell asked to address that. He stated that when he read the description in the write-up, the existing well head deflected. When the contractor went to lift it, it bent. That existing well head was the Department of Water Supply's. It failed to do what it was supposed to do, and that was his interpretation of it.

Mr. Ney understood that. He guessed he would differentiate that as whether it was something the contractor should anticipate being a problem or whether it was just something where you say there is no way to anticipate it and is clearly something that was unknown. That is what he was trying to get at.

The Manager-Chief Engineer offered any Board Member, if they wished, to see a copy of the contract bid documents. The Department tries its very best to make it very clear what the scope of work is that needs to be bid on. That makes it an even playing field for everyone bidding on the work. When a request comes in for additional work or additional time, the project engineers take a look to see if there was something the contractor should have included in their bid or if it is outside the scope of the bid. Every case brought to the Board is basically the Department's assessment that has been done and is brought before the Board because it is felt to be justified. If it is not, it is typically handled administratively or you would see it with either a modified scope of work or cost, as well as a modified time extension. Unfortunately, no project is 100% black and white. The Department tries to avoid these types of scope changes, but this one was definitely beyond the scope of the contractor.

Mr. Ney appreciated that explanation. He said that when it comes to his own business, there is a degree of reciprocity that exists with contractors not trying to request if it is something that maybe could have been foreseen or there was forethought involved. In this instance, he was not saying we should not honor the request, but he wanted to make sure we are looking after our interests also.

Mr. Hirakami asked about where the contractor indicated that part of the problem was because they had to lift the whole weight of the pipe and normally, they would try and drain the line and they requested access to the inside diameter of the column pipe but the DWS denied the request. He asked if that was because of water contamination or what the reason was for that denial of their request.

The Manager-Chief Engineer asked Mr. Eric Takamoto to explain.

Mr. Takamoto stated that they had originally denied Beylik's request which was to basically destroy the discharge head in order for them to access the column pipe. They would be basically destroying the discharge head because they would have to cut it in order to drop the weight down to break the check valve and drain the column. In order to avoid that, DWS was trying to see if they could just drop it in through the bend in the discharge elbow; but they said the length of the weight required would not bend through the curvature of that discharge elbow and so, in essence, it required cutting the discharge head at that point.

The Manager-Chief Engineer added that what you see protruding out of the ground is an elbow. If the weight dimensions cannot be fit through that elbow, if the radius is too tight, it sounds like they would have had to destroy the discharge head. That is not something you can cut open and repair. It is basically a monolithic unit. The first attempt, according to staff, was to have them lift the whole assembly with the surface plate, the discharge head, and the lifting lugs; and apparently, that exceeded the capacity of the discharge head.

Mr. Ney asked if discharge heads can be flanged and bolted so they are not monolithic and detachable.

The Manager-Chief Engineer replied, no, that they are flanged and bolted. The discharge head itself is an elbow with flanged ends on both sides and it is not like you can open that up, split it in half, or anything like that.

Mr. Ney thanked staff for the explanation.

ACTION: A roll call vote was taken on the Motion. Motion was carried with eight (8) ayes: Mr. Bell, Mr. De Luz, Mr. Hirakami, Ms. Keolanui, Ms. Hugo, Mr. Ney, Mr. Scicchitano, and Chairperson Boswell; and one (1) absent due to audio and visual disconnect – Mr. Sugai.

7) MISCELLANEOUS:

A. DEDICATIONS:

The Department received the following documents for action by the Water Board:

1. Grant of Easement

Makana Aloha Plantation Subdivision
Grantor: Frank Ornellas, Jr., and Susan McCalla Ornellas
Tax Map Key: (3) 7-5-016:103 (Lot 2-J) portion
Kahului 2nd, North Kona, Island of Hawai‘i, Hawai‘i

2. Grant of Easement

Makana Aloha Plantation Subdivision
Grantor: Allan H. Stuart, Jr., and Hydi R. Reddick Stuart
Tax Map Key: (3) 7-5-016:102 (Lot 2-H) portion
Kahului 2nd, North Kona, Island of Hawai‘i, Hawai‘i

The Manager-Chief Engineer recommended that the Water Board accept these documents 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 documents.

MOTION: Mr. Ney moved for approval of the recommendation; seconded by Mr. Scicchitano.

The Manager-Chief Engineer stated that the Department had anticipated getting the documents from the grantors but that they were not received. He, therefore, recommended deferral of this item to a subsequent Board Meeting.

Chairperson Boswell asked if the Board would vote to defer or how to go, procedurally, from here.

The Manager-Chief Engineer replied that he thought it could be deferred at the call of the Chair, if that was alright with Corporation Counsel.

Chairperson Boswell stated that the Board will defer this item until the documents have been received by the Department.

Mr. Yoshimoto asked that a vote be taken.

Ms. Hugo asked for clarification of what the Motion was at this time.

Chairperson Boswell stated that the Board is deferring this until the documents have been received and approved by the Department of Water Supply.

Ms. Hugo asked if the Motion that was previously made and seconded needed to be withdrawn.

Mr. Yoshimoto replied that the Board can proceed now with a motion to defer to the call of the Chair and would need a second.

Mr. Ney seconded for deferral.

Mr. Bell asked for confirmation that an “Aye” vote is a vote to defer (which was confirmed it was).

ACTION: A roll call vote was taken on the *Motion to Defer*. Motion was carried with eight (8) ayes: Mr. Bell, Mr. De Luz, Mr. Hiramaki, Ms. Keolanui, Ms. Hugo, Mr. Ney, Mr. Scicchitano, and Chairperson Boswell; and one (1) absent due to audio and visual disconnect – Mr. Sugai.

(Mr. Sugai restored audio and visual connect to the meeting at 10:24 a.m.)

B. JOB NO. 2018-1093, SOLAR PHOTOVOLTAIC ENERGY GENERATION SYSTEM AT FIVE (5) DEPARTMENT OF WATER SUPPLY LOCATIONS – POWER PURCHASE AGREEMENT – REQUEST FOR TIME EXTENSION:

The contractor, EnRG Hawaii Solutions, LLC, is requesting a contract time extension of 185 calendar days due to unforeseen delays in getting the building permit to start construction. This is the fourth time extension request for this project.

Ext. #	From (Date)	To (Date)	Days (Calendar)	Reason
1	7/2/21	9/8/2021	68	Statewide “stay-at-home” order and suspension of all on-site work (approved at the June 2020 Water Board Meeting).
2	9/8/2021	9/23/2021	15	Statewide “stay-at-home” order (approved at the July 2020 Water Board Meeting).
3	9/23/2021	1/15/2022	114	Delays in receiving the building permit at Kona, Waimea and Main Office sites (approved at the August 2021 Water Board Meeting).
4	1/15/2022	7/19/2022	185	Delays in receiving the building permit at Hilo and Water Quality Building
Total Days (including this request)			382	

Staff reviewed the request for the contract time extension and the accompanying supporting documentation and finds the 185 calendar days justified. *Note: There are no additional costs associated with this time extension.*

The Manager-Chief Engineer recommended that the Board approve this contract time extension of 185 calendar days to EnRG Hawaii Solutions, LLC, for JOB NO. 2018-1093, SOLAR PHOTOVOLTAIC ENERGY GENERATION SYSTEM AT FIVE (5) DEPARTMENT OF WATER SUPPLY LOCATIONS – POWER PURCHASE AGREEMENT. If approved, the contract completion date will be revised from January 15, 2022, to July 19, 2022.

MOTION: Mr. Scicchitano moved for approval of the recommendation; seconded by Mr. De Luz.

The Manager-Chief Engineer stated that this time extension is the best estimate at this point. The permit is still under review. The Project Manager, Warren Ching was available if there were any questions.

Mr. Ney asked if there has been any discussion or reaching out to the Mayor or Department Heads to try and expedite some of the delays because with inflation going on, delaying projects is not a good thing.

The Manager-Chief Engineer replied not for this project; however, it is a high priority with the Mayor's cabinet to resolve these permitting issues. For this particular project, the cost is not coming from the Department's CIP, but the Department is losing out on reduced power costs, plus contractors do not want to drag out a project any longer than they have to. Pretty much all of the panels, wiring, and equipment, for the most part, have been installed.

Mr. Ney stated that the County needs to get efficiency consultants because something needs to be done. This just seems to be exasperated, not just with this Department, but across the board, and it needs some resolution. He felt it is totally unacceptable, even with COVID, you cannot blame everything on that.

Mr. Hiramami noticed that the project started in 2020 when building permits being sought after were not in the new EPIC system. In 2020, he could see how the permitting problems carried over into the new permitting system, put into place about mid 2021, but wondered why there were delays in 2020.

The Manager-Chief Engineer stated that he did not have an answer for that. Hearing what the County has been describing as some of their challenges was that they had what they call "legacy" permits that were submitted prior to implementation of the new system that they were still processing. He thinks they had to transition and some of the legacy permits still fed into the new system, but he was not 100% sure. This project will be followed up on with the Building Division to see if anything can be done to move it forward. He noted that Ms. Keolanui had a question.

Ms. Keolanui commented on Mr. Hiramami's points, that due to the County's adoption of the new permitting software, EPIC, there have been a lot of unforeseen holdups in a lot of the businesses that she also works with; and in the supporting correspondence for this item, Matthew Fisk of Engineering Partners indicates that he has other projects in flux because of the conversion from the original permit to the EPIC software. She thinks that is the reason for the hold-up being seen from this side.

The Manager-Chief Engineer took this opportunity to welcome Ms. Kea Keolanui to the Water Board. She represents District 1. Board Members welcomed her to the Board.

Mr. Ching was asked to provide an update on the project. He stated that the Hilo Baseyard and the Water Quality Building permits were initiated in December 2020 and are specific to this extension request. Three of the five separate sites do have permits and their construction is complete. It is just a matter of doing inspections and commissioning at this point. In response to the Manager-Chief

Engineer's question of whether the materials have been purchased and are in storage for now, Mr. Ching replied that is correct. The contractor is eager to get started.

ACTION: A roll call vote was taken on the Motion. Motion was carried unanimously by nine (9) Ayes: Mr. Bell, Mr. De Luz, Mr. Hirakami, Ms. Hugo, Ms. Keolanui, Mr. Ney, Mr. Scicchitano, Mr. Sugai, and Chairperson Boswell.

C. MONTHLY PROGRESS REPORT:

Mr. Ney was happy to see the Hala'ula Well Development, Phase 2, project developing.

Mr. Inaba stated that the laterals have been transferred since this report was completed. Next on that project would be to remove some of the items from some of the abandoned water infrastructure within the State of Hawai'i right-of-way and then finish up the paving.

Mr. De Luz stated that it occurred to him that this is a period where quite a bit of smaller developments will be coming online in the next 18 to 24 months. He mentioned what is in que for dedicated systems and how it would impact the Department's total serviceable customers and water sales. He thought it might be good for the Department to find a way to educate the Board to better understand its water systems and give an understanding and appreciation of how capacity stands as it relates to the overall capital improvements plan for additional storage and wells over a five- to ten-year period. One example would be whether the Department anticipates it will have to refurbish wells, or drill parallel wells for redundancy.

The Manager-Chief Engineer thought about a possible spreadsheet to show the status and scope, but it would not really show the intended outcome of a project. He could see what Mr. De Luz was getting at, but would need to think about how that information could be put together, aside from this Monthly Progress Report of Projects, which is already a tight spreadsheet. In the meantime, he invited Board members to contact the Department if they have questions on any of the projects on this report.

Mr. Ney mentioned a report done by the university on a dye test where a biodegradable/biofriendly dye was put in the cesspools in Puakō and they saw it migrate to the ocean within hours. He asked if there is a push to address that because of the cross-connection possibility for contamination.

The Manager-Chief Engineer stated that there have been main breaks in that waterline and one thing that helps is the positive pressure in the pipes to prevent contamination from entering. There is exposure while actually doing the repair and crews are very cognizant and aware not to let trench water back into the pipe or to flush it properly after the repair is conducted. A certain level of chlorine is maintained in the system as well, what is called a residual chlorine level.

Mr. Hirakami asked about the Waikoloa Reservoir No. 1 Earthquake Repairs. The report indicates the project was terminated and the report indicates FEMA and DWS reserve funds were being used and total paid to date was \$1.2 million. The report indicates "final payment requested submitted." He asked if it was related to the \$1.2 million out of the \$6.6 million contract award.

Mr. Inaba replied that the final payment includes FEMA's final payment on that, and that total cost is \$1.2 million. The final payment request actually is a release of retainage at this point and is the closing documents at this point. It is a termination for convenience. An agreement as to change in scope was not able to be reached.

The Manager-Chief Engineer added that there was a significant scope modification because of several external factors. There was a significant scope change and what the contractor proposed was not agreed upon by this Department. It was mutually agreed to terminate the existing contract, tie up loose ends, and rebid it out.

Mr. Inaba mentioned the deformation of the reservoir itself over time because it was empty for so long. A lot of the changes in the scope were also due to addressing the reservoir itself, and exterior work.

Mr. Hirakami asked if the FEMA funds were related to the 2006 earthquake.

The Manager-Chief Engineer replied that was correct. This project was put on hold and the reservoir was half full until Reservoir No. 2 was repaired. When that was complete, this Reservoir No. 1 project started in about the 2011/2012 timeframe. The reservoir needed to be emptied to ascertain its condition before proceeding.

D. REVIEW OF MONTHLY FINANCIAL STATEMENTS:

Ms. Gray stated that the financial statements for November 2021, show, on the cover sheet, items noted that have changed either \$10,000 and 20% or more from the prior fiscal year. A lot of those items noted are very familiar from previous months. She asked if there were any questions.

Mr. Hirakami asked about the vehicles in transit and whether depreciation starts at the time of delivery or if it had already started.

Ms. Gray replied that it starts at the time of delivery, after the Department receives the vehicle.

Mr. Hirakami asked if there is a loss in vehicle price, noting when they are received, it will be 2022, but they are 2021 models.

The Manager-Chief Engineer stated that the Department does not pay for the vehicles until after they are received and inspected to make sure they meet contract.

E. ADOPTION OF PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION AND ORDER FOR NOVEMBER 23, 2021, CONTESTED CASE HEARING REGARDING WATER SERVICE ACCOUNT NO. 002-50001000-11 (IN THE MATTER OF THE APPEAL OF ALICIA D. WILLS)

The above Contested Case Hearing took place on November 23, 2021, in accordance with Chapter 91 of the Hawai'i Revised Statutes and Rule 2-5 of the Rules and Regulations of the Department of Water Supply. For review and adoption by the Board of the Findings of Fact, Conclusions of Law and Decision and Order.

The Manager-Chief Engineer asked Corporation Counsel if the Motion needed at this point is for someone to adopt the modified Findings of Fact, Conclusions of Law and Decision and Order.

Mr. Yoshimoto stated that it was his understanding that Ms. Keyra Wong had a revision to the submission that she had made; therefore, the motion should be reflective of those minor changes. He asked Ms. Wong to speak on that.

Ms. Keyra Wong, Deputy Corporation Counsel, along with her co-counsel Ms. Elizabeth “Britt” Bailey, had two small revisions. The first is on Page 8 of the Findings of Fact, Conclusions of Law and Decision and Order. In the first paragraph under Conclusions of Law, there is a typographical error. It should read “if it is to be determined.” The last revision is on Page 12, at the bottom of the Decision and Order. The very last sentence should read, “It is so ordered.” She asked if the Board had any questions.

MOTION: Mr. Ney so moved regarding typographical errors in the Findings of Fact, Conclusions of Law and Decision and Order; seconded by Ms. Keolanui.

Chairperson Boswell asked if there were any questions or discussion from the Board. There being none, he asked for a roll call vote.

Mr. Yoshimoto stated, for the record to be clear, that the Motion would be to adopt the Findings of Fact, Conclusions of Law and Decision and Order as presented with the modifications indicated on the record.

ACTION: A roll call vote was taken on the Motion. Motion was carried unanimously by nine (9) Ayes: Mr. Bell, Mr. De Luz, Mr. Hirakami, Ms. Hugo, Ms. Keolanui, Mr. Ney, Mr. Scicchitano, Mr. Sugai, and Chairperson Boswell.

(Ms. Keyra Wong and Ms. Elizabeth “Britt” Bailey left the meeting at 10:52 a.m.)

F. MANAGER-CHIEF ENGINEER’S REPORT:

The Manager-Chief Engineer provided an update on the following:

1. North Kona Wells – the Deputy reported that for North Kona, this month’s update is the same as last month. In the North Kona system, there are fourteen well sources. Twelve of them are either online or available to use. He took this opportunity to brief the Board on the Kona Low weather system at the beginning of the month. It impacted not only Kona Operations, but Hilo, Kau, and Waimea as well. Operations did an awesome job in making sure the water sources were preserved and protected from the effects of the wind and lightning. Mahalos go out to Kona staff, the electricians, the District Supervisor, Joshule Johnston; Alvin Inouye, James Riley, and Lead Building Maintenance Worker, Kelcy Onaka. Some things were out of their control, such as Hawaiian Electric power, but they did their best to keep tanks full. The Deputy and the Manager-Chief Engineer thanked them for a job well done.
2. COVID-19 Update - the Manager-Chief Engineer reported that the numbers seem to be fluctuating in the wrong direction again. The Department continues to encourage staff to be responsible, sending weekly reminders on proper protocols good hygiene and physical distancing. Overall, the Department has managed very well.
3. 2022 Water Board Schedule – The Manager-Chief Engineer stated that the Board received the proposed schedule as part of their packet. The meetings are very consistent, the fourth Tuesday of the month, except for December, where it ends up being the third Tuesday. The schedule is shown as “Web Conferencing”; but as discussed prior, when the opportunity is appropriate, the Department would like to go back to in-person meetings. He envisions some type of hybrid meeting. Our understanding is that there are new Sunshine Law requirements going into effect January 1, 2022, and will make sure we are in full compliance with those requirements. He asked if there were any questions.

Ms. Keolanui asked what the new rules were regarding the Sunshine Law.

Mr. Yoshimoto replied that it would probably be a good idea to agendize this for an upcoming board meeting; but in summary, the plan, as it is currently constituted, is that the Governor's proclamation will no longer provide the exemption for the Sunshine Law that allows boards and commissions to operate in the way in which they are doing now. Of course, that is subject to change. The short story is the Legislature passed amendments to the Hawai'i Revised Statutes that are going to be in place, effective January 1, 2022. From what he recalled, the requirements are that if this board were to be having a remote meeting such as this one, it would require that a majority or a quorum of the board members would need to be visible and audible on the Zoom connection. The other requirement would be to have a site available for members of the public to view the meeting, if it is a remote meeting. That means if we continue with this format, the Department would need to set up a site where people could walk in, attend the meeting, and view it remotely from a computer-type access. This is mainly because some members of the public do not have access to high-speed internet or any kind of internet that could allow them to participate in remote-only meetings. For the boards and commissions that he covers, they have been doing Sunshine Law updates, and he would anticipate this will come before the board at next month's meeting. (The Manager-Chief Engineer indicated it will be placed on the agenda for the next meeting.)

4. Retiree of the Department of Water Supply – Mr. Inaba introduced everyone to Mr. Owen Nishioka, who was present at the meeting today. He is our Engineering and Construction Branch Head. Owen actually started with the Department in 1980 as a Civil Engineer (CE) I and worked his way up to CE III at which time he went to Public Works for almost five years as a CE IV. He returned to DWS in 1995 as a CE IV. At that time, Mr. Inaba had just started with the Department and Owen was his supervisor for a number of years. He went into his current position in 1996 and has been the branch head since then. He was serving as temporary assignment to the position Mr. Inaba is in now for a couple of years. Owen has been a mentor for him and this is one of those hard ones because we are losing a lot of institutional knowledge. He conveyed everyone's appreciation for Owen for all of his years, noting that he has 41 years of combined service with the Department of Water Supply and the Department of Public Works.

Mr. Nishioka stated he was thankful for the experience and is extremely grateful to the DWS. Everything he has today is actually attributed to his employment with the Department, not only for what you see in front of you, but for his family and all that they have. He is extremely grateful and thanked everyone, past and present, for everything they have done to make his experience such a wonderful one. He wished Happy Holidays to everyone and is off to his retirement and will have a good one.

The Board and staff thanked Mr. Nishioka and congratulated him on a well-deserved retirement.

G. EXECUTIVE SESSION: MANAGER-CHIEF ENGINEER AND DEPUTY EVALUATION AND COMPENSATION FOR CALENDAR YEAR 2021:

The Board anticipates convening an executive meeting to consider the evaluations of the Manager-Chief Engineer and Deputy for its annual performance review, as authorized by Hawai'i County Charter Section 7-4.6(d) and Hawai'i Revised Statutes ("HRS"), Sections 92-4 and 92-5(a)(2). The Board wishes to have its attorney present, in order to consult with the board's attorney on its questions and issues pertaining to the board's powers, duties, privileges, immunities, and liabilities pursuant to HRS Section 92-5(a)(4). 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.

ACTION: Mr. Sugai moved that the Board enter Executive Session; seconded by Mr. Ney and carried unanimously by roll call vote (Ayes: 9 – Mr. Bell, Mr. De Luz, Mr. Hirakami, Ms. Hugo, Ms. Keolanui, Mr. Ney, Mr. Scicchitano, Mr. Sugai, and Chairperson Boswell.)

(Executive Session began at 11:06 a.m. and ended at 11:27 a.m.)

H. MANAGER-CHIEF ENGINEER AND DEPUTY EVALUATION AND COMPENSATION FOR CALENDAR YEAR 2021:

ACTION: Mr. Hirakami moved that the Board accepts the fact that both the Manager-Chief Engineer and the Deputy have exceeded in our expectations on their annual evaluation and is setting their monthly pay schedules as follows: for the Manager-Chief Engineer, at \$13,300.00/month and for the Deputy at \$12,635.00/month, retroactive to January 1, 2021; seconded by Mr. De Luz and carried unanimously by roll call vote (Ayes: 9 - Mr. Bell, Mr. De Luz, Mr. Hirakami, Ms. Hugo, Ms. Keolanui, Mr. Ney, Mr. Scicchitano, Mr. Sugai, and Chairperson Boswell.)

The Manager-Chief Engineer thanked the Board and the team at the Department of Water Supply, who are the ones that make it all happen. He acknowledged the Division Heads, Ms. Gray, Mr. Inaba, and Mr. Goodale, as well as the staff involved monthly in the Water Board Meetings and thanked them all. The Department of Water Supply has approximately 160 employees in total and they are a dedicated team of professionals that keep our water flowing and keep it safe and affordable.

I. CHAIRPERSON'S REPORT:

Chairperson Boswell reported that he and Mr. Scicchitano are terming out at this meeting. He took this opportunity to thank everyone. It has been a very good five years. He learned a lot about cooperating and communicating and how teams work together, and this certainly is a team.

Mr. Scicchitano shared the same sentiment as Chair Boswell. It has been an excellent five years and has gone by very quickly. It seems like yesterday they were just starting out and have learned so much. It has been a pleasure working with everyone on the Water team. It has been very excellent and a good education for him. He wished everyone luck in the future.

Mr. De Luz stated that although Mr. Boswell had hesitation in taking the Chair position, he has done an excellent job, as well as Mr. Scicchitano, when he needed to chair a meeting. They did not miss a heartbeat. This is the most unique board in the County because it has fiduciary responsibility, which is a heavy responsibility and he appreciated the fact that they made sure everyone was accountable. He added that he did not see the Mayor appoint anyone to their districts yet, so there could be some carryover.

The Manager-Chief Engineer stated that if they would be so gracious, they could both serve on the Board for another 90 days or until a new appointment is made. In appreciation of their years of service, the Department has, for them, handmade Koa-framed clocks and there are Certificates of Appreciation from the Mayor's Office, which will be sent out to both of them. He thanked them for their hard work and contributions to the community.

Mr. Ney stated he was glad to have gotten the chance to work with them in person for a short time, before the meetings went from in-person to virtual. He wished them best of luck in their endeavors.

Mr. Sugai thanked them for their wonderful leadership and appreciated their teamwork.

8) ANNOUNCEMENTS:

1. Next Meeting: - January 25, 2022, 10:00 a.m.

9) ADJOURNMENT

ACTION: Mr. Sugai moved to adjourn the meeting; seconded by Mr. De Luz and carried by roll call vote (Ayes: 9 – Mr. Bell, Mr. De Luz, Mr. Hiramami, Ms. Hugo, Ms. Keolanui, Mr. Ney, Mr. Scicchitano, Mr. Sugai, and Chairperson Boswell.)

(Meeting adjourned at 11:35 a.m.)

Recording Secretary

APPROVED BY WATER BOARD
JANUARY 25, 2022