

SUPPORT

BERNARD P. CARVALHO, JR.
Mayor



ALFRED B. CASTILLO, JR.
County Attorney

OFFICE OF THE COUNTY ATTORNEY

COUNTY OF KAUAI, STATE OF HAWAII
MO'IKEHA BUILDING
4444 RICE STREET, SUITE 220
LIHU'E, KAUAI, HAWAII 96766-1300
TEL (808) 241-4930
FAX (808) 241-6319

Deputies

Amy I. Esaki, First Deputy
Mona W. Clark
Michael A. Dahilig
Marc E. Guyot
Ian K. Jung
Justin F. Kollar
Andrea A. Suzuki
Mauna Kea Trask
Jennifer S. Winn

February 3, 2010

Honorable Representative Ken Ito, Chairperson
Committee on Water, Land, & Ocean Resources
Hawaii State Capitol, Room 438
415 South Beretania Street
Honolulu, Hawaii 96813

Re: HB 2449, Relating to County Boards of Water Supply

Dear Representative Ito:

This is to submit testimony in favor of HB 2449 which allows the Board to delegate to the Manager and Chief Engineer, the authority to disburse funds on behalf of the Board of Water Supply. The law, as it currently stands, is specific that only the Chairperson or the Acting Chairperson is authorized to sign vouchers for the Board of Water Supply.

The Kauai County Board of Water Supply from its inception in 1961 has consistently applied HRS Section 54-25, since the powers and duties of the Board set forth in Kauai County Charter Section 17.03 mirrors HRS Section 54-15. HRS Chapter 54 and the Kauai County Charter both provide that "the board shall manage, control, and operate the waterworks of the county and all property thereof for the purpose of supplying water to the public in the county, and shall collect, receive, expend, and account for all sums of money derived from the operation thereof and all other moneys and property provided for the use or benefit of such waterworks." Therefore, in order to allow the Manager and Chief Engineer the authority to sign vouchers on behalf of the Chairperson, the successful passage of HB 2449 is critical to the Kauai County Board of Water Supply.

It is very likely that the other Counties will not oppose or object to the language contained in HB 2449 since they may not have the same concerns as Kauai County as it relates to HRS Section 54-25.

Honorable Representative Ken Ito, Chairperson
Committee on Water, Land, & Ocean Resources
February 3, 2010
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Unlike the Maui Department of Water, the Kaua'i Board of Water Supply remains a semi-autonomous body which has the full authority to manage, control and operate the waterworks of the County. Several years ago, the Maui Department of Water was changed from a semi-autonomous department to an executive department under the authority of the Mayor with an advisory Board. Also, unlike the City and County of Honolulu Board of Water Supply, the County of Kaua'i Department of Water was formed in 1961 pursuant to HRS Chapter 54 and continues its operation pursuant to the Kaua'i County Charter which was adopted in 1969. It is our understanding that the City and County of Honolulu's Board of Water Supply was established by Charter in 1929, many years prior to the adoption of HRS Chapter 54. Also, the language in the City and County of Honolulu's Charter clearly delegates the authority to sign all necessary contracts for the department and maintenance of proper accounts in such a manner to show the true and complete financial status of the department to the Manager and Chief Engineer. Kaua'i County's Charter on the other hand, in keeping with HRS Chapter 54, delegates the authority to the Board to maintain the Department's financial accounts. Finally, the Hawai'i County Board of Water Supply is governed by a separate and distinct section of HRS Chapter 54, more specifically, HRS Sections 54-51 through 54-67.

We hope the aforementioned provides sufficient reasons for the passage of HB 2449. Should you have any further questions, please feel free to call our office.

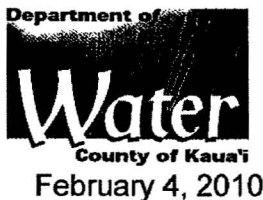
Thank you for the opportunity to submit this written testimony.

Sincerely,



ALFRED B. CASTILLO, JR.
County Attorney

cc: David Craddick, Manager and Chief Engineer



Water has no substitute.....Conserve it

SUPPORT

Honorable Representative Ken Ito, Chair
Honorable Representative Sharon E. Har, Vice Chair
and members of the Committee on Water and Ocean Resources
HOUSE OF REPRESENTATIVES
State Capitol, Conference Room 325
415 South Beretania Street
Honolulu, HI 96813

Dear Rep. Ito, Rep. Har, and Members of the Committee on Water and Ocean Resources:

Subject: **HB 2449**, Relating to County Boards of Water Supply – **Hearing: Friday, February 5, 2010, 9:00 a.m., Conference Room 325, State Capitol**

The Kaua'i Board of Water Supply strongly supports HB 2449, which requests a change to HRS 54-25, to allow the Board of Water Supply to prescribe its powers and duties to the Manager and Chief Engineer of the Departments of Water regarding the disbursement of funds. As it states now in the existing HRS 54-25, it is not clear whether the Board may or may not delegate its duties.

The Kaua'i Board of Water Supply, at its August 20, 2009 Board Meeting, approved these requested changes to amend H.R.S. Chapter 54-25 in order to allow the Board to delegate, what is in essence, a ministerial duty. H.R.S. 54-25, as written now, requires the Board, and only the Board, to approve or deny accounts payable vouchers. The Board's oversight is provided for, in accordance with the Department's budget process. H.R.S. 54-25, as currently written, serves to delay the accounts payable vouchers that must wait for Board approval before payment, which results in delayed payments to our vendors.

Therefore, I strongly support the passage of HB 2449, Relating to the County Boards of Water Supply, and thank you for this opportunity to provide comments.

If you need to contact me, please call (808) 245-5408, fax at (808) 246-8628 or email at dcraddick@kauaiwater.org.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David Craddick".

David R. Craddick, P.E.
Manager and Chief Engineer

rm

Leg. Test. 2010/HB2449, Disbursement of Funds (Boards of Water Supply) (2-4-10 Hearing):rm

February 4, 2010

Hawaii House of Representatives
H.B. No. 2449

Testimony to support H.B. 2449

We are a general contractor that has completed projects with the Board of Water Supply. If our billings were not submitted in time for the monthly board meetings, which approved the disbursements of construction payments, we would have to wait another month until the board would convene again. There are times when our billings would not meet the deadlines because revisions or corrections would need to be done. Delayed payments impact our payments to our subcontractors and suppliers, which can be really tough in these bad economic times.

We support this bill which would allow the Board of Water Supply to delegate its powers to a manager or Chief Engineer to authorize the disbursement of payments which would be more timely and fair.

Thank you,



Dayle Nishimura
Tomco Corp. Treasurer/Office Mgr.

Kennedy/Jenks Consultants
Engineers & Scientists

Hawaii Office (Formerly Engineering Solutions, Inc.)
98-1268 Kaahumanu Street, Suite 204, Pearl City, HI 96822
P: 808.488.0477 • F: 808.488.3776 W: www.kennedyjenks.com

February 4, 2010

EMAILED TESTIMONY

SUPPORT

**Hearing Date: Friday, February 5, 9:00 a.m., Conference Room 325
(House Committee on Water, Land & Ocean Resources)**

Honorable Representative Ken Ito, Chair, Sharon E. Har, Vice Chair, and Members of the House
Committee on Water, Land & Ocean Resources

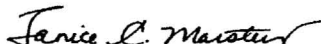
Subject: **HB 2449, Relating to County Boards of Water Supply**

Dear Chair Ito, Vice Chair Har, and Committee Members,

Kennedy/Jenks Consultants strongly supports **HB 2449, Relating to County Boards of Water Supply**.
HB 2449 would allow the Board of Water Supply to designate other individuals to approve payments to
contractors. This additional flexibility would result in improvement in the prompt payment to Contractors
conducting work for the Boards of Water Supply.

We appreciate the opportunity to provide testimony regarding HB 2449. Please do not hesitate to contact
us if you have any questions regarding our testimony.

Respectfully submitted,
Kennedy/Jenks Consultants



Janice C. Marsters
Senior Environmental Engineer

1099 Alakea Street
Suite 2400
Honolulu, HI 96813
T: 808.523.8499
F: 808.533.0226

SUPPORT

BROWN AND
CALDWELL

February 4, 2010

EMAILED TESTIMONY TO: EBMTestimony@Capitol.hawaii.gov

**Hearing Date: Friday, February 5, 2010 9:00 a.m., Conference Room 325
(House Committee on Water, Land, & Ocean Resources)**

Honorable Representative Ken Ito, Chair, Sharon Har, Vice Chair, and Members of
the House Committee on Water, Land, & Ocean Resources

Subject: HB 2449, Relating to County Boards of Water Supply

Dear Chair Ito, Vice Chair Har, and Committee Members:

Brown and Caldwell strongly supports HB 2449, Relating to County Boards of Water Supply which would allow officials other than a county auditor to issue warrants to disburse funds for a board of water supply. HB 2449 would also allow a board of water supply to prescribe powers and duties for a manager and chief engineer regarding the disbursement of funds, and make it more efficient on the process to approve and issue payments to Consulting Engineering firms like ourselves who provide services to the County Water Departments.

We appreciate the opportunity to provide testimony regarding HB 2449. Please do not hesitate to contact us if you have any questions regarding our testimony.

Respectfully submitted,

BROWN AND CALDWELL



Raymond N. Matasci, P.E.
Vice President



Douglas B. Lee, P.E.
Sr. Associate, Executive Engineer

-----Original Message-----

From: mailinglist@capitol.hawaii.gov [mailto:mailinglist@capitol.hawaii.gov]

Sent: Thursday, February 04, 2010 5:02 PM

To: WLOtestimony

Cc: cpalesh@beltcollins.com

Subject: Testimony for HB2449 on 2/5/2010 9:00:00 AM

SUPPORT

Testimony for WLO 2/5/2010 9:00:00 AM HB2449

Conference room: 325

Testifier position: support

Testifier will be present: No

Submitted by: Cheryl Palesh

Organization: Belt Collins Hawaii Ltd.

Address: 2153 North King Street Suite 200 Honolulu, HI 96819

Phone: 808 521-5361

E-mail: cpalesh@beltcollins.com

Submitted on: 2/4/2010

Comments:

This testimony is submitted in support of House Bill No. 2449 relating to County Boards of Water Supply and the disbursement of funds. The delegation of the Board's duty to make payment on its accounts payable to the manager and chief engineer is would free the Board to address more pressing issues in addition to facilitating timely payment of consultant invoices.

SUPPORT

-----Original Message-----

From: mailinglist@capitol.hawaii.gov [mailto:mailinglist@capitol.hawaii.gov]

Sent: Thursday, February 04, 2010 2:49 PM

To: WLOtestimony

Cc: r.nakata@hawaiiantel.net

Subject: Testimony for HB2449 on 2/5/2010 9:00:00 AM

Testimony for WLO 2/5/2010 9:00:00 AM HB2449

Conference room: 325

Testifier position: support

Testifier will be present: No

Submitted by: Richard K. Maeda

Organization: Kauai Builders, Ltd.

Address:

Phone:

E-mail: r.nakata@hawaiiantel.net

Submitted on: 2/4/2010

Comments:

We at Kauai Builders, Ltd. have worked with the Department of Water on numerous projects and fully support the intent of this Bill. Under the current system, we are required to submit our payment request on the first of the month but do not get paid until the Water Board meets and approves such requests.

We are in support of empowering the Manager of the Department of Water to execute the Contractors payment requests which would benefit all other contractors that have project with the Department of Water.

Respectfully Submitted:

Kauai Builders, Ltd.

Richard K. Maeda, President

Ben Esteban, RME