
HOUSE RESOLUTION

ESTABLISHING AN INVESTIGATIVE COMMITTEE TO INVESTIGATE THE
COUNTY OF HAWAII DEPARTMENT OF WATER SUPPLY.

1 WHEREAS, the United States Geological Survey reports that
2 fresh ground-water withdrawals on the island of Hawaii during
3 1995 were about 109 million gallons per day; and
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5 WHEREAS, withdrawals for public supply in 1995 were about
6 23 million gallons per day, withdrawals for agricultural use
7 were about 13 million gallons per day, and withdrawals for
8 domestic and commercial uses were about 6 million gallons per
9 day; and
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11 WHEREAS, \$6 million was allocated to build a water system
12 in or around the Ocean View-Kahuku area on the island of Hawaii;
13 and
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15 WHEREAS, the money was released to Mayor Harry Kim's
16 administration and then from the Office of the Mayor to the
17 County of Hawaii Department of Water Supply (DWS) which employed
18 SSFM International to engage in planning and construction of the
19 project and to conduct the required environmental assessment
20 (EA), which has since been approved; and
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22 WHEREAS, an extended delay ensued after the EA was approved
23 concerning appropriate tanks needed for the project, location of
24 the fill outlets and generally, the timeline for the completion
25 of the project; and
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27 WHEREAS, DWS then contracted with Bolton Inc. to complete
28 the system, however, reports have come forward that Bolton Inc.
29 has faced some legal action regarding past projects it has been
30 contracted to work on and may have also altered the water system
31 project's size; and
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1 WHEREAS, the community that is depending on the completion
2 of this project is questioning the status of the money and the
3 project; and
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5 WHEREAS, there have been severe roadblocks encountered by
6 those persons seeking information on the status and handling of
7 the Ocean View-Kahuku water system construction project; now,
8 therefore,
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10 BE IT RESOLVED by the House of Representatives of the
11 Twenty-fifth Legislature of the State of Hawaii, Regular Session
12 of 2010, that:
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- 14 (1) The House of Representatives hereby establishes a
15 special investigative committee to investigate the
16 status and handling of the Ocean View-Kahuku water
17 system construction project on the island of Hawaii;
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- 19 (2) The chairperson of the investigative committee shall
20 be the Representative of the fifth District and the
21 Vice-chairperson shall be the Representative of the
22 fourth District; the remaining membership of the
23 committee shall be composed of seven members appointed
24 by the Speaker of the House of Representatives;
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- 26 (3) The purpose and the duties of the investigative
27 committee and the subject matter and scope of its
28 investigatory authority shall be to:
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- 30 (A) Determine the status of the water well and
31 overall water system project;
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- 33 (B) Provide for an audit of the money allocated to
34 the water system in Ocean View;
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- 36 (C) Determine whether an amendment to the EA was
37 required relating to the change in project scope
38 after the EA was approved; and
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- 40 (D) Determine upon what basis Bolton Inc. was
41 retained and whether its contract with DWS



1 complied with the State Procurement Code under
2 Chapter 103D, HRS;

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4 (4) The investigative committee shall have every power and
5 function allowed to an investigating committee by law,
6 including without limitation the power to:

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8 (A) Adopt rules for the conduct of its proceedings;

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10 (B) Issue subpoenas requiring the attendance and
11 testimony of witnesses and subpoenas duces tecum
12 requiring the production of books, documents,
13 records, papers, or other evidence in any matter
14 pending before the Committee;

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16 (C) Hold hearings appropriate for the performance of
17 its duties, at such times and places as the
18 Committee determines;

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20 (D) Administer oaths and affirmations to witnesses at
21 hearings of the Committee; and

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23 (E) Report or certify instances of contempt;

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25 provided that the investigative committee is requested
26 to voluntarily limit, as much as possible, the use of
27 its subpoena power to produce witnesses, documents,
28 and other evidence, and voluntarily limit the scope of
29 its investigation, as much as possible, to a review of
30 appropriate publicly-available information on the
31 subject matters within the committee's review;

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33 (5) The investigative committee shall be appointed by the
34 Speaker of the House of Representatives exclusively
35 from the membership of the House of Representatives;

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37 (6) The investigative committee is authorized to exercise
38 its powers continuously throughout the interim periods
39 between the 2010 and 2011 Regular Sessions, and shall
40 thereafter be dissolved unless further extended by the
41 House of Representatives; and



1 (7) The investigative committee may continue beyond the
2 periods set forth in paragraph (6) for the purpose of
3 monitoring and, if necessary, to propose the amendment
4 or repeal of any legislation enacted as a result of
5 the committee's efforts;

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7 now, therefore,

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9 BE IT FURTHER RESOLVED that the State Procurement Office
10 (SPO), with its own staff and other support staff is requested
11 to gather, analyze, and interpret the information submitted to
12 the investigative committee, and report this information to the
13 investigative committee; and

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15 BE IT FURTHER RESOLVED that the SPO is further requested to
16 work under the direction of the investigative committee and
17 provide such technical, staffing, and other assistance to the
18 investigative committee as may be necessary, including providing
19 assistance in collecting, reviewing, analyzing, and interpreting
20 documents, testimony, and other evidence obtained by the
21 committee, and in coordinating the day-to-day work of the
22 committee; and

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24 BE IT FURTHER RESOLVED that the Legislative Reference
25 Bureau is requested to assist the investigative committee in
26 conducting legal and policy analyses, as appropriate, including
27 a review of laws and studies in other jurisdictions, to the
28 extent this work is not conducted by the Attorney General, and
29 in drafting appropriate implementing legislation as requested by
30 the committee; and

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32 BE IT FURTHER RESOLVED that the Department of the Attorney
33 General is requested to provide the investigative committee with
34 copies of documents as may be available, and in providing legal
35 analyses as needed, to the extent that the Attorney General's
36 participation in the work of the committee does not conflict
37 with any litigation of which the Attorney General is a party;
38 and

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40 BE IT FURTHER RESOLVED that all other departments,
41 agencies, and offices of the State, as appropriate, are



1 requested to cooperate with and provide assistance to the
2 investigative committee with respect to its investigation; and
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4 BE IT FURTHER RESOLVED that the investigative committee
5 shall submit to the House of Representatives a report no later
6 than 20 days prior to the convening of the Regular Sessions of
7 2011; and
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9 BE IT FURTHER RESOLVED that certified copies of this
10 Resolution be transmitted to the Chair of the Board of Water
11 Supply, Manager of County of Hawaii Department of Water Supply,
12 Mayor of the County of Hawaii, the Governor, Comptroller,
13 Administrator of the State Procurement Office, Hawaii County
14 Legislative Auditor, and Attorney General.
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