

CHAPTER 54
WATER SYSTEMS

Part I. Generally

Section

54-1 Improvement by assessment

Part II. County Boards of Water Supply

- 54-11 Definitions
- 54-12 Board of water supply
- 54-13 Organization and meetings
- 54-14 Staff
- 54-15 Powers and duties of board
- 54-16 Legal department
- 54-17 Outstanding obligations
- 54-18 Purchase and sale of waterworks property;
contracts
- 54-19 Construction, additions, extensions, increases,
betterments, and improvements
- 54-20 Accounts, revenues and expenditures
- 54-21 Reserve fund
- 54-22 Revenue bond sales
- 54-23 Provisions for payment of bonds, etc.
- 54-24 Operating expenses, reserves, and appropriations
- 54-25 Disbursement of fund
- 54-26 Rates
- 54-27 Acquisition of lands
- 54-28 Agreement for joint use of utilities
- 54-29 Pensions
- 54-30 Deposit of money in banks
- 54-31 Name and service of process; claims against the board
- 54-32 Office and base yard facilities
- 54-33 Rules and regulations
- 54-34 Penalties

Part III. Hawaii County Board of Water Supply

- 54-51 Board of water supply
- 54-52 Appointment
- 54-53 Organization and meetings
- 54-54 General management
- 54-55 Legal department
- 54-56 Purchases and contracts
- 54-57 Construction, additions, extensions, increases,
betterments, and improvements
- 54-58 Accounts, revenues, and expenditures
- 54-59 Audits
- 54-60 Reserve fund

- 54-61 Bond sales
- 54-62 Disbursement of funds
- 54-63 Rates
- 54-64 Acquisition of lands
- 54-65 Agreements for joint use of utilities
- 54-66 Agreements for joint services of employees
- 54-67 Service of process; claims

Note

Standardized water audits of public water systems; reports. L 2016, c 169.

Cross References

Graywater recycling program, see §342D-70.

"PART I. GENERALLY

§54-1 Improvement by assessment. Any other law to the contrary notwithstanding, any county may construct water systems by use of the improvement by assessment method, provided that nothing herein shall be construed to prevent any county or board of water supply from constructing the improvements with its own funds. [L 1963, c 134, §1; Supp, §138-70; HRS §54-1]

"PART II. COUNTY BOARDS OF WATER SUPPLY

Cross References

Loans and grants program, see chapter 340E.

§54-11 Definitions. As used in this chapter:

"Board" means the board of water supply of each county;

"Council" means the council of each county;

"County" means a county or city and county of the State;

"County attorney" means the legal advisor of a county;

"County auditor" means the auditor or finance officer of a county performing the audit function;

"County treasurer" means the county official maintaining its treasury;

"Mayor" means the executive officer of a county. [L 1961, c 155, pt of §1; Supp, §145A-1; HRS §54-11; am L 1987, c 283, §7]

" **§54-12 Board of water supply.** If a county does not have an existing board of water supply, there shall be a board of water supply for each county consisting of seven members of whom five shall be nominated, and by and with the advice and consent of the council, appointed by the mayor, one of whom shall be the state district engineer of the state department of transportation and one of whom shall be the chief engineer of the respective county.

No employee or officer of any county shall be eligible to serve as a board member, except as otherwise provided herein.

The members of the board shall serve without pay, but shall be reimbursed for their reasonable expenses incurred in the discharge of their duties as members of the board.

The term of office of each appointed member of the board shall be five years from the date of the member's appointment; provided that of the initial members one shall be appointed for a term to expire on January 1, 1963; one for a term to expire on January 1, 1964; one for a term to expire on January 1, 1965; one for a term to expire on January 1, 1966; and one for a term to expire on January 1, 1967. Any vacancy occurring on the board shall be filled in accordance with the foregoing provisions for the unexpired portion of the term concerned. [L 1961, c 155, pt of §1; Supp, §145A-2; am imp L 1967, c 80, §1; HRS §54-12; gen ch 1985]

Case Notes

Provisions of this section inconsistent with county charter provisions are superseded. 59 H. 65, 576 P.2d 1029.

" **§54-13 Organization and meetings.** The members of the board of water supply shall select their own chairperson and other officers.

If the chairperson is absent, the members of the board shall select an acting chairperson.

The board shall hold at least one regular meeting each month.

The board may adopt rules and regulations necessary for the conduct of its business.

A majority of the members of the board shall constitute a quorum for the transaction of business and the affirmative vote of at least four members of the board shall be necessary to validate any action of the board. [L 1961, c 155, pt of §1; Supp, §145A-3; HRS §54-13; gen ch 1993]

Cross References

Rulemaking procedure, see chapter 91.

" **§54-14 Staff.** The board of water supply shall appoint an engineer duly registered under chapter 464 to serve as the administrative officer of the board. The engineer shall be known as the manager and chief engineer of the board and shall be subject to chapter 77. The manager-engineer shall appoint a deputy manager-engineer who shall be an engineer duly registered under chapter 464 and who shall be subject to chapter 76.

The manager and chief engineer shall have powers and duties prescribed by the board.

The manager and chief engineer may appoint, suspend, or discharge other subordinate employees as may be necessary for the proper conduct of the business of the board in conformity with chapter 76, provided that all present employees of the waterworks department of a county, and all provisional, probationary, temporary, and contractual employees of the waterworks department shall be transferred to the board under their present respective status and under chapter 76.

The board may require a bond in such amount as it deems proper from the manager and chief engineer or deputy or from any employee. The premiums of the bond or bonds shall be paid by the board. [L 1961, c 155, pt of §1; Supp, §145A-4; HRS §54-14; gen ch 1985; am L 2000, c 253, §150]

Note

Chapter 77 referred to in second sentence is repealed. See §76-13.5.

Case Notes

Provisions of this section inconsistent with county charter provisions are superseded. 59 H. 65, 576 P.2d 1029.

" **§54-15 Powers and duties of board.** The board of water supply 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 provided for the use or benefit of the waterworks and all property used for or held in connection therewith. [L 1961, c 155, pt of §1; Supp, §145A-5; HRS §54-15]

" **§54-16 Legal department.** The county attorney shall be the legal advisor of the board of water supply and shall prosecute and defend, as the board may require, any and all actions and proceedings involving matters under its jurisdiction. The county attorney may, with the prior approval of the board, compromise, settle, or dismiss any litigation or proceedings which may be pending for, or on behalf of, or against the board relative to any matter or property under its jurisdiction. [L 1961, c 155, pt of §1; Supp, §145A-6; HRS §54-16; gen ch 1985]

" **§54-17 Outstanding obligations.** All outstanding obligations in connection with the operation of the waterworks shall be paid by the board of water supply out of waterworks funds. [L 1961, c 155, pt of §1; Supp, §145A-7; HRS §54-17]

" **§54-18 Purchase and sale of waterworks property; contracts.** The board of water supply may contract for work, and purchase supplies, materials, or equipment, when the cost of the same can be met from the revenues or reserves of the waterworks, or from the proceeds of bonds authorized for the waterworks. All contracts shall be executed in the name of the board and shall be signed by the chairperson or acting chairperson of the board.

The board may sell or otherwise dispose of any buildings, materials, supplies, or equipment, under its control, when no longer used or useful for its purpose; provided that the buildings, materials, supplies, or equipment shall first be offered at its depreciated or market value to the council. All documents of transfer of the buildings and personal property shall be executed in the name of the board and shall be signed by the chairperson or acting chairperson thereof. All proceeds of the sale shall be deposited with the county treasurer and be by the county treasurer placed to the credit of the board. [L 1961, c 155, pt of §1; Supp, §145A-8; HRS §54-18; gen ch 1985, 1993]

" **§54-19 Construction, additions, extensions, increases, betterments, and improvements.** The board of water supply shall locate and determine the character and type of all construction and additions, extensions, increases, betterments, and improvements to the waterworks, and shall determine the policy for construction or the making of additions, extensions, increases, betterments, and improvements out of any public funds under its jurisdiction. [L 1961, c 155, pt of §1; Supp, §145A-9; HRS §54-19]

" **§54-20 Accounts, revenues and expenditures.** The board of water supply shall maintain proper accounts in such manner as to show the true and complete financial status and the results of management and operation.

The accounts and financial status of the board shall be examined annually by the county auditor who shall report thereon to the board. The board may, whenever necessary in connection with the issuance of any bonds, employ a certified public accountant to make an audit of the accounts and financial status of the board. [L 1961, c 155, pt of §1; Supp, §145A-10; HRS §54-20]

" **§54-21 Reserve fund.** The board of water supply may provide for the accumulation of a fund for the purpose of financing major replacements, or extensions and additions, the average estimated annual increment to which, for a period of ten years, shall not exceed fifteen per cent of the gross revenue of the board in any fiscal year. [L 1961, c 155, pt of §1; Supp, §145A-11; HRS §54-21]

" **§54-22 Revenue bond sales.** The county treasurer shall, when so directed by the board of water supply, sell such bonds as may be authorized for the acquisition, construction, replacement, extension, or completion of the waterworks; provided that the sale shall otherwise be conducted in accordance with the procedure specified by the law for the sale of the bonds. The proceeds from the sales shall be kept by the county treasurer in a separate fund to be used only for the purposes for which the bonds were sold. [L 1961, c 155, pt of §1; Supp, §145A-12; HRS §54-22]

" **§54-23 Provisions for payment of bonds, etc.** Whenever there are outstanding any bonds of the county representing moneys heretofore or hereafter expended upon the waterworks system, the funds in the county treasury to the credit of the board of water supply shall be drawn upon by the county treasurer to the extent necessary from time to time to provide for payment of the bonds and the interest thereon according to the tenor and terms thereof, the moneys so drawn to be placed to the credit of the appropriate sinking fund and used for such purposes. [L 1961, c 155, pt of §1; Supp, §145A-13; HRS §54-23]

" **§54-24 Operating expenses, reserves, and appropriations.** All receipts of the board of water supply other than from the sale of bonds shall be deposited daily in a bank by the board and the sums so deposited shall be accounted for and be paid into the county treasury at the end of each month and maintained in a special fund. The board may make appropriations and allowances from the fund for the following purposes:

- (1) For the payment of the operating and maintenance expenses of the waterworks;
- (2) For repairs, replacements, additions, and extensions;
- (3) For accident reserve, pension charges, and compensation insurance;
- (4) For payment of interest and sinking funds on all bonds issued for the acquisition or construction of the waterworks and extensions thereto and for the reserve

fund. [L 1961, c 155, pt of §1; Supp, §145A-14; HRS §54-24]

" **§54-25 Disbursement of fund.** The county treasurer shall disburse moneys of the board only upon warrants issued by the county auditor or other county authorized signatory on accounts payable vouchers signed by the chairperson or the acting chairperson of the board, except as provided herein. The board may delegate, through rules and policies adopted pursuant to chapter 91, its powers and duties regarding the disbursement of funds to the manager and chief engineer. [L 1961, c 155, pt of §1; Supp, §145A-15; HRS §54-25; gen ch 1993; am L 2010, c 37, §1]

" **§54-26 Rates.** The board of water supply may fix and adjust rates and charges for the furnishing of water and for water service; provided no rates or charges shall be fixed or adjusted prior to the holding by the board of a public hearing, public notice of which shall be given not less than twenty days before the date of the public hearing and the notice shall set forth the time, place of the hearing, and the proposed rates and charges to be considered thereat. The board may collect and by appropriate means, including the discontinuance of service to delinquent consumers, or commencement of civil action in the name of the board, enforce the collection of the rates and charges; and adjust and settle all complaints, claims, and accounts of consumers or the public. All water furnished to the county or any department thereof or to the State or any department thereof shall be charged to the respective departments and shall be payable to the board by the respective departments at the rates and times established by the board, and, upon failure of the departments to make payment when payment is due, then the auditor of the county and the comptroller of the department of accounting and general services of the State shall pay from the account of the department or departments all delinquencies as certified by the chairperson of the board. [L 1961, c 155, pt of §1; am L 1965, c 96, §91; Supp, §145A-16; HRS §54-26; gen ch 1993; am L 1998, c 2, §21]

" **§54-27 Acquisition of lands.** The board of water supply may, in the name of the county, acquire and take by purchase, lease, or otherwise, all property situated within the limits of the county that it may determine necessary for the construction, maintenance, extension, or operation of the waterworks system. [L 1961, c 155, pt of §1; Supp, §145A-17; HRS §54-27]

" **§54-28 Agreement for joint use of utilities.** The board of water supply may enter into such arrangements and agreements as it deems proper for the joint use with any other person owning the same, or having jurisdiction of the same, of poles, conduits, towers, stations, aqueducts, and reservoirs for the operation of any of the properties under its jurisdiction. [L 1961, c 155, pt of §1; Supp, §145A-18; HRS §54-28]

" **§54-29 Pensions.** All officers and employees of the board of water supply shall be entitled to the benefits of part II of chapter 88. The employer's contribution to the retirement fund, as provided thereunder, shall be paid from the funds under the control of the board. [L 1961, c 155, pt of §1; Supp, §145A-19; HRS §54-29]

" **§54-30 Deposit of money in banks.** All moneys deposited in the office of the county treasurer belonging to the board of water supply shall be deposited in such manner and upon such provisions and requirements, as provided by chapter 38. The county treasurer and the chairperson of the board shall have the same rights, powers, and duties as devolve upon the State, its director of finance, and the governor, respectively, with respect to state funds so deposited. All interest received by the county treasurer upon moneys belonging to the board shall be credited to the board. [L 1961, c 155, pt of §1; am L 1963, c 114, §1; Supp, §145A-20; HRS §54-30; gen ch 1993]

" **§54-31 Name and service of process; claims against the board.** The board of water supply created herein shall be known as the board of water supply of the county in which it is created, and may sue and be sued under this name. Service of process in all matters affecting the board, or any property under its jurisdiction, may be made by service upon any member of the board or on its manager, and by also serving the county. Any action commenced or prosecuted for the recovery of damages for any injury to any person or property by reason of the negligence of the board or of any of its agents, servants, or employees, shall be commenced and prosecuted against the board. No action shall be maintained for the recovery of any damage, unless a written statement verified by the oath of a claimant, setting forth the nature and items of the claim, and the time and place where the alleged injury may have occurred or where the damage was sustained, has been filed with the board within six months after the date of the sustaining of the injury or damage; otherwise there shall be no recovery on the claim. [L 1961, c 155, pt of §1; Supp, §145A-21; HRS §54-31; am L 1973, c 134, §3]

Rules of Court

Service of process, see HRCP rule 4(d)(7).

Case Notes

Addition of chlorine to water and board's duty to give warning. 2 H. App. 221, 629 P.2d 635.

Misnomer in pleadings and process where board was designated department of water supply did not constitute fatal defect. 2 H. App. 221, 629 P.2d 635.

" **§54-32 Office and base yard facilities.** The council shall provide necessary office and base yard space and facilities for the use and occupancy of the board of water supply. [L 1961, c 155, pt of §1; Supp, §145A-22; HRS §54-32]

" **§54-33 Rules and regulations.** The board of water supply may make and from time to time alter, amend, and repeal rules and regulations relating to the management, control, operation, preservation, and protection of the waterworks of the county. The rules and regulations shall have the force and effect of law. [L 1963, c 191, pt of §1; Supp, §145A-23; HRS §54-33]

Cross References

Rulemaking procedure, see chapter 91.

" **§54-34 Penalties.** Any person who violates any rule or regulation made and promulgated by the board of water supply pursuant to section 54-33 shall be fined not more than \$500, except that in cases where the offense shall be of a continuing nature each day's continuance of the same, after written notice from the board to remedy the same, shall constitute a separate offense. [L 1963, c 191, pt of §1; Supp, §145A-24; HRS §54-34]

"PART III. HAWAII COUNTY BOARD OF WATER SUPPLY

§54-51 Board of water supply. There shall be a board of water supply of the county of Hawaii, to consist of nine members, of whom eight shall be appointive members and be appointed as hereinafter provided, and of whom the ninth member shall always be the person who for the time being shall be the legal incumbent of the office of the chief engineer of the department of public works of the county. The board shall manage, control, and operate the water systems and properties of

the county, for the supplying of water to the public within the several districts of the county, and collect, receive, expend, and account for all sums of money derived from the operation thereof, and all other moneys provided for the use or benefit of each or all of the water systems as in this part provided. [L 1949, c 86, §1; am L 1955, c 189, §1; RL 1955, §146-100; HRS §54-51]

" **§54-52 Appointment.** The eight appointive members of the board of water supply shall be appointed by the chairperson of the council of the county, with the approval of the council. The chairperson shall likewise designate the chairperson of the board of water supply from among the appointive members. The members of the board shall serve without pay, but shall be reimbursed for their reasonable expenses. Each member of the board shall be, at the time of the member's appointment, an elector of the county of Hawaii and shall have been such for at least three years next preceding the member's appointment. Any member of the board may be removed from office by the chairperson of the council of the county, with the approval of the council.

Membership of the board shall include four members who are residents of the district of North or South Hilo; one of the four members shall be the person who for the time being shall be the legal incumbent of the office of the chief engineer of the department of public works of the county. In addition, one member shall be a resident of the district of North Kona or South Kona, one member shall be a resident of the district of North Kohala or South Kohala, one member shall be a resident of the district of Hamakua, one member shall be a resident of the district of Puna, and one member shall be a resident of the district of Kau.

The term of office of the appointive members of the board shall be five years from and after the date of their respective appointments. Any vacancy occurring on the board shall be filled by appointment. The one appointed to fill the vacancy shall serve only for the unexpired term of the person whom the appointive member succeeds. Officers and employees of the county of Hawaii shall not be eligible for appointive membership on the board. [L 1949, c 86, §2; am L 1955, c 189, §2; RL 1955, §146-101; am imp L 1967, c 80, §1; HRS §54-52; gen ch 1985, 1993; am L 1998, c 124, §2]

" **§54-53 Organization and meetings.** As soon as may be after January 1 of each year, the board of water supply shall meet for the purpose of organization. The board shall thereafter hold regular public meetings at a designated time and place. The

board may adopt such rules and regulations as it may consider necessary for the conduct of its business and the regulation of matters herein committed to its charge. A majority of the board shall constitute a quorum for the transaction of business; provided that the affirmative vote of at least four members of the board shall be necessary to validate any action of the board. [L 1949, c 86, §3; am L 1955, c 189, §3; RL 1955, §146-102; HRS §54-53]

" **§54-54 General management.** The board of water supply shall, with the advice and consent of the council of the county, appoint a manager who shall have qualifications that the board deems necessary, and who shall have full power to administer the affairs of the waterworks and the water systems that are by this part placed under the control of the board. The manager shall be known as the manager of the board of water supply of the county of Hawaii, shall serve at the pleasure of the board, and shall be subject to the direction of the board.

The manager shall be subject to chapter 77.

The manager shall appoint subordinates, assistants, and employees that may be necessary for the proper conduct of the business of the board and the subordinates, assistants, and employees shall be subject to chapter 76.

The board may require a bond in an amount that it deems proper from any employee, which bond shall be duly conditioned for the faithful performance of the duties of the employee, and the board may provide that the premium on any bond be paid out of the revenues of the waterworks and water systems under the jurisdiction of the board.

The manager at a time that may be prescribed by the board, shall present to the board full annual reports of the principal transactions of the water supply system during the last completed year; which reports together with any recommendations that the board may think proper, shall be presented to the chairperson and executive officer of the council of the county and the council. [L 1949, c 86, §4; am L 1951, c 153, §1 and c 171, §1(1); RL 1955, §146-103; HRS §54-54; gen ch 1985, 1993; am L 1998, c 124, §3; am L 2000, c 253, §150]

Note

Chapter 77 referred to in text is repealed. See §76-13.5.

" **§54-55 Legal department.** The county attorney shall be the legal adviser of the board of water supply and shall prosecute and defend, as the board may require, any and all actions and proceedings involving matters under its jurisdiction. The

county attorney may, with the prior approval of the board, compromise, settle, or dismiss any litigation or proceedings which may be pending for, or on behalf of, or against the board relative to any matter or property under its jurisdiction.

The county attorney shall appoint and detail to the board such attorneys as the board may deem necessary to conduct its legal work, and the compensation of the attorneys so detailed shall be fixed by the board, and shall be paid from the revenues of the waterworks. The attorneys, when so appointed, shall be deputies of the county attorney, and shall be in addition to the deputies and assistants now or hereafter allowed to the county attorney by law.

The board may employ an attorney to act as its legal adviser and to represent it in any litigation to which it is a party. [L 1949, c 86, §5; RL 1955, §146-104; HRS §54-55; gen ch 1985]

" **§54-56 Purchases and contracts.** The board of water supply may contract for work, supplies, materials, or equipment when the cost of these can be met from the revenues or reserves of the waterworks or water systems, or from the proceeds of bonds authorized for the waterworks and water systems. All contracts shall be executed in the name of the board and shall be signed by the chairperson or acting chairperson of the board.

The board may sell or otherwise dispose of any buildings, materials, supplies, or equipment under its control when no longer used or useful for its purposes, and the proceeds thereof shall be placed to the credit of the board. All documents of transfer shall be executed in the name of the board and shall be signed by the chairperson or acting chairperson thereof. [L 1949, c 86, §6; RL 1955, §146-105; HRS §54-56; gen ch 1993]

" **§54-57 Construction, additions, extensions, increases, betterments, and improvements.** The board of water supply shall locate and determine the character and type of all construction and additions, extensions, increases, betterments, and improvements to waterworks and water systems, and shall determine the policy for the construction or the making of such additions, extensions, increases, betterments, and improvements out of public funds under its jurisdiction. [L 1949, c 86, §7; RL 1955, §146-106; HRS §54-57]

" **§54-58 Accounts, revenues, and expenditures.** The board of water supply shall maintain proper accounts in such manner as to show the true and complete financial status and the results of management and operation. The accounts shall be kept so as to show all costs of maintenance, extension, and improvement, all

operating expenses, all expenses of the board, and the amounts paid or set aside for depreciation, insurance, pensions, interest, sinking funds, and reserves.

All revenues or moneys derived from the waterworks or otherwise appropriated for the board, other than funds derived from the sale of bonds, and excepting moneys appropriated by Act 5 of the Special Session Laws of 1950 for the construction of a water system for the districts of North and South Kona, shall be paid into the treasury of the county and maintained by the treasurer in a waterworks fund. The funds shall be expended for the following purposes:

- (1) For payment of interest and sinking fund on all bonds issued for the acquisition or construction of waterworks and extensions thereto;
- (2) For the payment of the operating and maintenance expenses of the waterworks, repairs, replacements, additions, and extensions;
- (3) For accident reserve, pension charges, and compensation and insurance;
- (4) For purchase or development of new sources of water; and
- (5) For a reserve fund. [L 1949, c 86, §9; am L 1951, c 171, §1(2); RL 1955, §146-107; HRS §54-58]

" **§54-59 Audits.** The auditor of the county shall make an annual audit of the accounts and financial status of the board of water supply and shall file a copy of the audit report with the council of the county. The board may, whenever necessary in connection with the issuance of any bonds, employ a certified public accountant to make audits. [L 1951, c 171, §1(3); RL 1955, §146-108; HRS §54-59; am L 1998, c 124, §4]

" **§54-60 Reserve fund.** The board of water supply may provide for the accumulation of a fund for the purpose of financing major replacements, or extensions and additions, the average estimated annual increments to which, for a period of ten years from July 1, 1959, shall not exceed fifteen per cent of the gross revenue of the board in any fiscal year. [L 1949, c 86, §10; RL 1955, §146-109; am L 1959, c 83, §1; HRS §54-60]

" **§54-61 Bond sales.** The sale of bonds for purposes of the board of water supply shall be subject to the approval of the council of the county; when approved by the council, the treasurer of the county shall sell any bonds that are authorized for the acquisition, construction, replacement, extension, or completion of any of the waterworks and water systems under the jurisdiction of the board of water supply; provided that the

sales shall otherwise be conducted in accordance with the procedure specified by law for the sale of the bonds. The proceeds from the sales shall be kept by the county treasurer in a special fund to be used only for the purpose or purposes for which the bonds are sold. [L 1949, c 86, §11; RL 1955, §146-110; HRS §54-61; am L 1998, c 124, §5]

" **§54-62 Disbursement of funds.** All moneys expended by the board of water supply pursuant to this part shall be disbursed by the county treasurer on vouchers signed by the chairperson or acting chairperson of the board. [L 1949, c 86, §12; RL 1955, §146-111; HRS §54-62; gen ch 1993]

" **§54-63 Rates.** The board of water supply may fix and adjust rates and charges for the furnishing of water and for water services so that the revenues derived therefrom shall be sufficient to make the waterworks and water systems self-supporting and to meet all expenditures authorized by this part; the board may establish variable rates among the several districts of the county, or among the areas served by the individual water systems within the county, for the purpose of establishing charges as closely as possible to the necessary amount required for the maintenance and operation of the particular individual water systems; provided no rates and charges shall be fixed or adjusted prior to the holding by the board of a public hearing, public notice of which shall have been given not less than twenty days before the date set for the hearing. The notice shall state the time and place for the hearing and the proposed rates and charges to be considered thereat. The time within which the notice shall be given shall be computed by including the first day (the day of notice) and excluding the last day. [L 1949, c 86, §13; am L 1951, c 159, §1; RL 1955, §146-112; am L 1965, c 96, §92; HRS §54-63; am L 1998, c 2, §22]

Cross References

Administrative procedure, see chapter 91.

" **§54-64 Acquisition of lands.** The board of water supply may, in the name of the county, subject to the approval of the council of the county, acquire and take by purchase, lease, or otherwise, all property situated within the limits of the county that it may determine necessary for the construction, maintenance, extension, or operation of any of the waterworks and water systems under its jurisdiction and control. [L 1949, c 86, §14; RL 1955, §146-113; HRS §54-64; am L 1998, c 124, §6]

" **§54-65 Agreements for joint use of utilities.** The board of water supply may enter into such arrangements and agreements as it deems proper for the joint use with any other person, firm, or corporation owning the same or having jurisdiction of the same, of poles, conduits, towers, stations, aqueducts, and reservoirs for the operation of any of the properties under its jurisdiction. [L 1949, c 86, §15; RL 1955, §146-114; HRS §54-65]

" **§54-66 Agreements for joint services of employees.** The board of water supply may enter into such arrangements and agreements as it deems proper, under which employees of the department of public works of the county may divide their time between performance of services on behalf of the department and on behalf of the board. [L 1949, c 86, §16; RL 1955, §146-115; HRS §54-66]

" **§54-67 Service of process; claims.** Except as otherwise provided by the county charter, section 54-31 shall apply. [L 1949, c 86, §18; RL 1955, §146-116; HRS §54-67; am L 1973, c 134, §4]

Rules of Court

Service upon agency of county, HRCF rule 4(d)(7).