

Approved

COUNTY OF KAUAI
Minutes of Meeting
OPEN SESSION

Board/Commission	Kaua'i Fire Commission	Meeting Date	October 7, 2019
Location	Mo'ikeha Building – Meeting Room 2A/B	Start of Meeting: 2:00 p.m.	End of Meeting: 3:45 p.m.
Present	Chair Chad Pacheco; Vice Chair Linda Kaauwai-Iwamoto; Commissioners: Jen Chahanovich, Alfredo Garces Jr., Alfred Levinthol, Michael Martinez and Thomas Nizo. Also present: Board & Commissions Office Staff: Support Clerk Mercedes Omo; Administrator Ellen Ching; Office of the County Attorney: First Deputy County Attorney Nicholas R. Courson; Kaua'i Fire Department: Deputy Fire Chief Kilipaki Vaughan; Assistant Fire Chief Michael Scovel; Battalion Chief Solomon Kanoho; Ocean Safety Bureau Chief on temporary assignment Tyrus Siale; Employees of the Month: Ocean Safety Officer II Aaron Swanson; Fire Captain Dodd Apao (not present); Chief's Secretary Soney Tamashiro and numerous personnel in the Kaua'i Fire Department; Councilmember Felicia Cowden. Public testimony: Michael Blood.		
Excused			

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SUBJECT	DISCUSSION	ACTION
Call To Order		With seven (7) Commissioners present, Chair Pacheco called the meeting to order.
Chair's Comments/ Announcements	Next Regular Monthly Meeting – 2 p.m. on Monday, November 4, 2019 at the Mo'ikeha Building, Room 2A/2B. Executive Session to follow.	
Approval of Minutes	<ul style="list-style-type: none">• Regular Open Session Meeting Minutes of September 3, 2019• Special Open Session Meeting Minutes of September 16, 2019 Chair Pacheco asked the commissioners if they could review the minutes of the Commission's September 3 rd and 16 th meeting and point out any corrections they would like staff to make. Mr. Garces pointed that he did not attend the September 3 rd meeting, but had an excused absence. Deputy Fire Chief Vaughan pointed out that a typo on page two of the September 3 rd minutes. The correct word should be <i>expected</i> and not <i>accepted</i> . Staff acknowledged the corrections and would make the necessary changes. Hearing no further corrections, Chair Pacheco called for two motions one to approve the minutes of September 3 rd as amended and the other to approve the September	Mr. Nizo moved to approve the September 3 rd minutes as amended. Mr. Martinez seconded the motion. The motion carried 7:0. Ms. Chahanovich moved to approve the minutes of September 16, 2019 as circulated. Vice Chair Iwamoto seconded the

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<p>Employee Recognition</p>	<p>16th minutes as circulated.</p> <ul style="list-style-type: none"> • Fire Captain Dodd Apao was on vacation and will be recognized at the Commission's November 4th meeting. • September Ocean Safety Officer II Aaron Swanson assigned to the South west district at the Po'ipū Beach Tower. <p>Ocean Safety Officer II Aaron Swanson was presented with the Mānā Kia` Kai certificate of appreciation for his leadership, dedication and commitment to serve the community. Mr. Swanson took the opportunity to thank Deputy Fire Chief Vaughan, his wife, family members, Ocean Safety Bureau Chief Kalani Vierra, Ocean Safety Captain Gerald Hurd, Training Captain Tyrus Siale, Lt. Dave Duncan and Training Lieutenant Kleve Zarbaugh for all of their support. Chair Pacheco along with the Commissioners commended Mr. Swanson for his dedication and commitment to serve the community and visitors alike.</p>	<p>motion. The motion carried 7:0.</p> <p>At 2:13 p.m. Chair Pacheco called for a five minute recess for picture taking.</p>
<p>Recap of the 2019 Fire Rescue International Conference</p>	<p>Vice Chair Iwamoto reported that she had a great time at the conference and was honored to have had the opportunity to network with other conference attendees and the different fire chiefs from across the country. She regretted not having enough time to be able to attend the seminars she felt was important to her and that she wished the last presentation was done at the beginning of the conference when most of the attendees were available and not committed to attend the other seminars. Notable mention was a class she attended on theft within the fire department by the hands of firefighters and volunteer firefighters and how frequently it occurs.</p> <p>Deputy Fire Chief Vaughan reported that joining him at the conference was Battalion Chief Solomon Kanoho, Maui Deputy Fire Chief Bradford Ventura and Hawai'i Fire Chiefs Association, President, Thomas Perkins. He noted that BC Kanoho and DFC Ventura's primary focus was to attend the symposium on executive chief officer leadership.</p> <p>Deputy Fire Chief Vaughan shared at this year conference his primary focus was on areas such as emergency medical services, ALS deployment strategy, community para-medicine and social work, technology on smart firefighting, communication authority, community risk reduction, administrative evolution, legal drugs in the workplace and for the second year in a</p>	<p>At 2:20 p.m. Chair Pacheco called the meeting back to order.</p>

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<p>Deputy Fire Chief's Monthly Reports as of August 30, 2019</p>	<p>row movers and shakers. He also attended a few training curriculums, one in particular on how to deal with legal issues involving drugs in the workplace. Notable mention was being able to network with US Fire Administrator Keith Bryant, National Fire Academy Superintendent Tony Hoover, Deputy Superintendent Dr. Kirby Kiefer, IAFC Presidents Thomas Jenkins, Dan Eggleston, Western, Fire Chiefs Association, Tokyo Fire Chief Toshio Ando, Oklahoma City Fire Richard Kelly and Logan City Fire Chief Brad Hannig. The next FRI Conference is scheduled for August 19 – 21, 2020 in Phoenix, Arizona.</p> <p>Chair Pacheco asked if the use of legal drugs in the workplace is a nationwide problem to which Deputy Chief Vaughan replied that he does not know whether or not it is a nationwide problem, but what he does know is each individual jurisdictions and county does things differently and although marijuana is still considered an illegal substance under federal law there are other states that have legalized marijuana for recreational purposes and for medicinal purposes. With regard to the Kauai Fire Department it hasn't become an issue and that they view it as a trend.</p> <p>Chair Pacheco expressed his appreciation to Vice Chair Iwamoto and Deputy Fire Chief Vaughan for providing the Commission with a great recap of the conference.</p>	
	<ol style="list-style-type: none"> 1. Deputy Chief's Activities & Events 2. Bureau Reports 3. Fiscal Report 4. Daily Flight Hours and Alarm Data 5. Strategic Initiatives and Goals 6. Chief's announcements and other pertinent updates <p>Deputy Fire Chief Vaughan gave a narrative on the data reflected in his Monthly Reports highlighting the numerous meetings he attended all throughout the month of August and Air 1 is currently not in use due to maintenance and that the Department has a back-up helicopter ready for use. He reported that this week is National Fire Prevention Week which falls in line with the 8th Anniversary commemorating the great Chicago Fire of 1871.</p>	

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	<p>Mr. Martinez asked since Air 1 is down for maintenance where would the other backup helicopter come from to which Deputy Fire Chief Vaughan replied that the Department has a contract with Airborne Aviation to provide a backup helicopter whenever Air 1 has to undergo normal scheduled maintenance and in this case, unforeseen maintenance to change Air 1 blades. Additionally, Mr. Martinez asked if any of the Department's engines are non-mission capable to which Deputy Chief Vaughan explained that because the monthly report is repetitive he felt that providing the Commission with a verbal update on issues that may have occur within the month would be more efficient. He added that in the new fiscal year budget the Department is planning to ask the Mayor and Council for monies to purchase a couple of electric vehicles to help lessen the carbon in print.</p> <p>Vice Chair Iwamoto asked if there is a process in place where elderly residents can request assistance from the Department to go their place of residence to help train them on how to properly use a fire extinguisher to which Deputy Fire Chief Vaughan explained that type of is only for businesses; however, the Kaua'i Fire Department in collaboration with Tropic Care, American Medical Response and on a referral by the County's Office of Elderly Affairs would go their place of residence and do home safety inspections and AMR would conduct a class on medication management and conduct vital assessment on a Kupuna patient, in addition, KFD would help to install smoke alarm detectors and fall bars equipment within the home.</p> <p>Mr. Garces asked since its last recruitment efforts if the Department has an adequate amount of staff to which Deputy Fire Chief Vaughan replied yes, and noted that the Department is anticipating people retiring at the years end which will result in vacancies in the upper ranks. Mr. Garces commended KFD's training staff for doing an outstanding job with the training.</p> <p>Mr. Nizo asked for a breakdown of all visitor and local drownings to which Deputy Chief Vaughan replied that he doesn't have the information with, but would have a report ready at the Commission's next meeting. Mr. Nizo explained that the reason he asked the question is because a lot of focus is being placed on National Fire Prevention week, and there's nothing on Ocean Safety Prevention with respect to the video at the Līhu'e Airport and certain hotels.</p>	

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	<p>Deputy Chief Vaughan stated that during the month of May a week is set aside in recognition of National Beach Safety Week and through its Junior Lifeguard Summer Program, the Department has been able to provide ocean safety education to over 600 keikis to date. He pointed out that as much of preventive education the ocean safety bureau does on a consistent bases whether its showing a video at the Līhu'e Airport, hotel concierge's, the local schools and the Junior Life Guard Summer Program drownings do happen because of anomalies in the ocean.</p> <p>With no further questions by the Commissioners, Chair Pacheco called for a motion to accept the Deputy Chief's Monthly Reports for the record.</p>	<p>Mr. Nizo moved to accept the Deputy Fire Chief Monthly Reports as submitted. Mr. Martinez seconded the motion. The motion carried 7:0.</p>
<p>KFC 2019-15</p>	<p>Communication dated September 17, 2019 from Councilmember Felicia Cowden to Chair Chad Pacheco and Members of the Kaua'i Fire Commission requesting agenda time to share her suggestions on the criteria scoring worksheet for assessing applicants for the Fire Chief position.</p> <p>Chair Pacheco called upon Councilmember Cowden to address the Commission on the contents in her letter.</p> <p>Councilmember, Committee Chair for Public Safety and Human Services, Felicia Cowden stated that she appreciates all the work the Commission is doing on the requirements and scoring criterias' for the next Fire Chief and that she values the Commission's consensus as far as scoring a candidate's education level and the amount of fire experience; however, she would like to see 20 of those points be given to someone who has a strong background of the island. The decision between success and failure can sometimes be a matter of minutes and whomever the Commission pick as the next leader for the Kaua'i Fire Department should have an intuitive understanding of the island. She also pointed out that she did not see anything of that nature reflected in the criterias' that gave any value to that so she highlighted some of her own that she would like the Commission to consider giving more points to person who has a reasonable working knowledge of the island place names; if the language is difficult for someone or they are just beginning to learn and understand the language they might not be able to differentiate areas of the island; and 2) the candidate must be able to demonstrate strong familiarity with beach locations, tides, channels, ocean currents, wind direction, the different trails and valleys, hunting, fishing, surfing, forest restoration.</p>	

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	<p>Chair Pacheco thanked Councilmember Cowden for her suggestions then opened the floor for questions.</p> <p>Councilmember Cowden noted that if the Fire Commission wanted to make any changes to the Charter, the Charter is designed to allow the County Council to bring those proposals forward and that she would be more than happy to do it for the Commission.</p> <p>Being that there were no questions from the Commissioners, Chair Pacheco moved on to item KFC 2019-14.</p>	
<p>KFC 2019-14</p>	<p><u>Discussion and decision-making on the Permitted Interaction Group No. 2 recommendations on criteria's to select semi-finalists for the Fire Chief's position.</u></p> <p>Chair Pacheco pointed out that each Commissioner should have received a draft copy of the scoring worksheet that was put together by PIG No. 2 in their meeting packets. He noted that the worksheet is going to be used by the PIG once it has been approved by the Commission to determine which applicants are going to move on to the next phase of the hiring process.</p> <p>Ms. Ching explained that the wording in the scoring sheet is what the PIG had agreed upon to recommend to the body for consideration and the score points are open for discussion.</p> <p>Mr. Nizo asked if any of the Commissioners wanted to entertain Councilmember Cowden's suggestions now would be the time to say so.</p> <p>Chair Pacheco asked First Deputy County Attorney Courson if her suggestions were in legal standing for the Commission to even consider to which Mr. Courson replied that he believes that most of Councilmember Cowden's suggestions could be legal. It is illegal; however, to discriminate on the bases of a protective class and it is arguably, but a little unclear to discriminate on the bases of a person's residency being that the State of Hawai'i has a statute that says to take residency into account and that prior versions of it have been deemed unconstitutional multiple times. He noted that what Councilmember Cowden is proposing are not residency requirements so he believes it would pass the legal muster if that is something the Commission would like to consider doing.</p>	

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	<p>Mr. Nizo stated that he recalls during the first hiring process there was division amongst the Commissioners on whether or not it was necessary for the Fire Chief to have ocean safety experience since he's not going to be the one to have to jump into the water.</p> <p>Mr. Courson stated that if the Commission wants to amend the PIG's recommendations, the Chair should call for a motion first, then a second because it will help to frame the discussion and whatever the prevailing vote is, so be it. For example, someone could move to amend the PIG's scoring sheet to include reasonable working knowledge of the island and place names and that would open the matter up for discussion on whether or not the Commission thinks it's important for the Fire Chief to have ocean safety experience or not because there's enough support staff around him to keep the Chief well informed.</p> <p><u>Discussion</u></p> <p>Mr. Courson explained to the Commissioners that based on Administrator Ching's explanation in the beginning, PIG No. 2 intended the score points to be nothing more than just placeholders. So as a suggestion, the Commission should first decide what those criterias' are going to be and then give each one a point value.</p> <p>Ms. Ching commented that the concern is, the Commission is already in the process of accepting resumes and the scoring worksheet was intended to be used by the PIG to review those resumes. She pointed out that if the Commission is going to change the criterias', to be fair, the Commission or HR will have to contact all of those individuals to inform them that changes were made to the criterias'. In her way of thinking, the Commission has two options, first is to contact all of the individuals who had already their submitted resumes and ask them to address the changes in their resumes or the Commission could consider Councilmember Cowden's suggestions if it chooses to do so, in the next phase of the hiring process.</p> <p>Chair Pacheco and the Commissioners thanked Ms. Ching for sharing her valid concerns.</p>	<p><u>Motion No. 1</u></p> <p>Mr. Nizo moved to amend the PIG's scoring sheet to include under criteria's reasonable working knowledge of the island, place names, locations and ocean safety experience.</p> <p>Mr. Levinthol seconded the motion.</p>

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	<p>Mr. Martinez asked if the Police Commission included those criteria's in their search for a new Police Chief as a desirable qualification to which Ms. Ching replied no, the Police Commission did not. Chair Pacheco asked if it was possible for PIG No. 3 to consider the suggestions that were presented by Councilmember Cowden in the next phase of the hiring process if they choose to which Ms. Ching replied yes, and noted that PIG No. 3 could take it up for consideration.</p> <p>*At this point of the discussion, Mr. Courson had to leave the meeting and he was replaced by Deputy County Attorney Todd Jensen.</p> <p>Mr. Nizo asked for guidance on whether or not he could withdraw his motion to which Ms. Ching replied that whoever the originator of the motion is, he or she would have to withdraw the motion followed by a second. Mr. Nizo asked if he was to withdraw his motion can PIG No. 3 to take up the matter at a later on to which Ms. Ching replied that any additions to PIG No. 3 task needs to be clearly defined. Mr. Jensen stated that if the Commission does not want to move forward with the original motion, the motion needs to be withdrawn.</p> <p>Chair Pacheco thanked the Commissioners for a great discussion, then moved on to the discussion on the scoring sheet that was presented by PIG No. 2.</p> <p>Mr. Martinez noted that in the next phase of the hiring process perhaps the Commission should include Councilmember Cowden's suggestion under other desirables because her suggestions were good.</p> <p>Ms. Chahanovich commented that #7 describes the true role, duties and responsibilities of a Fire Chief and in her opinion, is the most important piece of the puzzle and should be given higher scores. She pointed out that having a ton of certifications are great, but it won't help with financial management, personnel management, training, communication and succession planning. A good example, is although she runs Wilcox Hospital, she's not a physician.</p> <p>Ms. Nizo stated that based on Ms. Chahanovich comments it brings it back to his question on whether or not the Fire Chief really needs to have ocean safety experience to which Ms. Chahanovich replied probably not. Mr. Martinez noted that Ms. Chahanovich made a good point.</p>	<p><i>Mr. Nizo withdrew his original motion and it was seconded by Mr. Levinhol.</i></p>

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	<p>Once again, Ms. Ching reminded the Commissioners on the consequences of including Councilmember Cowden's suggestions in the criterias'. Her point was well taken by the Commissioners.</p> <p>After a lengthy back and forth discussion, the Commissioners finally reached a consensus to the change the scoring points for the following categories.</p> <p><u>Mandatory Charter Qualifications</u></p> <ul style="list-style-type: none"> • 5 years of training and experience in fire experience and operations in private industry or government services 25 points, at least 3 of which have been in a responsible administrative capacity 25 points. 50 total points. <p><u>Other Desirable Qualifications - score either 1 or 2; do not score both (No more than 50 total points)</u></p> <ul style="list-style-type: none"> • #1 Bachelor's degree in Fire Science, Fire Administration, Public Administration, or Business Administration – 25 points • #2 or in lieu of a bachelor's degree years of experience as a deputy fire chief, assistant fire chief, fire captain and battalion chief will be considered – 25 point <p><u>Critical Performance Factors – resume reflects applicant has experience in factors deemed critical for success. 25 points each for a total of 150 possible points</u></p> <ul style="list-style-type: none"> • Leadership Skills • Polices/Procedures • Planning and Organizing • Communication Skills • Personal Management • Financial Management 	<p><u>Motion No. 2</u> Mr. Nizo moved to amend the PIG's scoring recommendations as follows:</p> <ul style="list-style-type: none"> • 25 points each for Mandatory Charter Qualifications – 50 points. • 25 points each for Other Desirable Qualifications; • 25 points for Critical Performance Factors totaling 150 possible points. For a total of 250 points <p>Mr. Levinthol seconded the motion. The motion carried 7:0.</p>
<p>KFC 2019-13</p>	<p>Presentation by Permitted Interaction Group No. 3 on recommendations regarding written and oral questions for the Fire Chief candidates. (Deferred on 8/12/2019, 09/3/19 & 09/16/19)</p> <p>Chair Pacheco indicated that PIG No. 3 will be meeting at the conclusion of today's meeting therefore, he would like to call for a motion to defer item KFC 2019-13</p>	<p>Mr. Nizo moved to defer item KFC 2019-13. Mr. Martinez seconded the motion. The motion carried 7:0.</p>

SUBJECT	DISCUSSION	ACTION
<p>Executive Session</p>	<p>Ms. Ching cited the Hawai'i Revised Statutes. Pursuant to Hawai'i Revised Statutes §92-4 and §92-5 (a) and (2) and (4), the purpose of this Executive Session is for the Commission to discuss the hiring of a new Fire Chief and other related matters where consideration of matters affecting privacy will be involved, and to consult with its attorney on questions and issues pertaining to the Commission's powers, duties, privileges, immunities and liabilities as they may relate to this agenda item. (On-going)</p>	<p>Chair Pacheco called for a motion to enter into Executive Session.</p> <p>Mr. Nizo moved to enter into Executive Session.</p> <p>Ms. Chahanovich seconded the motion. The motion carried 7:0.</p> <p>At 3:18 p.m. the Commission entered into Executive Session.</p>
<p>Returned to Open Session to received public testimony</p>	<p>At 3:38 p.m. the Commissioners reconvened in Open Session. Chair Pacheco called for public testimony.</p> <p>Mr. Michael Blood testified that he believes Deputy Fire Chief Kilipaki Vaughan would make a great Fire Chief because he seems to be very engaged and as an internal candidate wants to see the Kaua'i Fire Department grow and bring value to it. He shared as a former Fire Division Chief for the Coronado Fire Department, he worked really hard to bring value to his city and to his Fire Department. He added that although he submitted a resume of his own, he does not want to be a wedge between something that he sees is good.</p> <p>Mr. Levinthol asked Mr. Blood not to pull his resume from the pool of candidates because the Fire Commission is not even close to making any decisions on who the next Fire Chief for the Kaua'i Fire Department will be. Mr. Nizo extended his appreciation to Mr. Blood for his willingness to share his thoughts with the Commission. Mr. Levinthol added that the Kaua'i Police Commission just recently hired a new Police Chief for the Kaua'i Police Department and who came from the outside and to his knowledge Chief Raybuck is doing well in his new position. Mr. Martinez noted that the Fire Commission is going through the hiring process and whoever the Commission selects to be the new Fire Chief should be the right person for the job.</p>	

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Adjournment	With no further business to conduct, Chair Pacheco called for a motion to adjourn the meeting.	Ms. Chahanovich moved to adjourn the meeting. Mr. Martinez seconded the motion. The motion carried 7:0. At 3:45 p.m. the meeting adjourned.

Submitted by: 
 Mercedes Omo, Staff Support Clerk

Reviewed and Approved by: Chad Pacheco, Chair

- (✓) Approved as circulated on 11/4/19
- () Approved as amended. See minutes of _____ meeting.