

**COUNTY OF KAUAI  
OPEN SESSION MEETING MINUTES**

Board/Commission	<b>Kaua'i Fire Commission</b>	Meeting Date	<b>May 4, 2020</b>
Location	Teleconference	Start of Meeting: 2:04 p.m.	End of Meeting: 3:25 p.m.
Present	Chair Alfredo Garces Jr. .; Vice Chair Jen Chahanovich; Commissioners: Linda Kaauwai-Iwamoto, Alfred Levinthol, Michael Martinez and Chad Pacheco. Also present: Board & Commissions Office Staff: Support Clerk Mercedes Omo; Administrator Ellen Ching; Office of the County Attorney: Deputy County Attorney Jenna Tatsey; Fire Department: Acting Fire Chief Solomon Kanoho.		
Excused			
Absent	Commissioner Thomas Nizo		

SUBJECT	DISCUSSION	ACTION
<b>Call To Order</b>		The meeting was called to order at 2:04 p.m. by Chair Garces.
<b>Roll Call</b>	Chair Garces called for a roll call to establish quorum and to declare Boards and Commission Office Staff was also present.	
<b>Chair's Announcement</b>	Next Regular Monthly Teleconference Meeting – Monday, June 1, 2020 at 2 p.m. Open Session. Executive Session to follow.	
<b>Approval of Special Open Session Meeting Minutes of April 20, 2020</b>		Mr. Levinthol moved to approve the meeting minutes as submitted, the motion was seconded by Ms. Kaauwai-Iwamoto. A roll call by Chair Garces ensued with Commissioners Kaauwai-Iwamoto, Levinthol, Martinez, Pacheco, Vice Chair Chahanovich and Chair Garces voting in favor of the motion to approve the meeting minutes as

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		submitted.
<p><b>Update by Acting Fire Chief Solomon Kanoho</b></p>	<p><u>General update by Acting Fire Chief Solomon Kanoho on events that involve the Kaua'i Fire Department and in anticipation of the budgetary shortfalls for next fiscal year what measures are the Department taking to address the shortfalls</u></p> <p>Acting Fire Chief Kanoho referred the commissioners to a report that he prepared earlier and distributed to the commissioners prior to the meeting along with the agenda, draft minutes of the special open session and executive session meeting on April 20, 2020 and draft minutes of the regular executive session meeting on April 6, 2020.</p> <p>Acting Fire Chief Kanoho provided an overview of the data reflected in his report, notably mentioned were the temporary assignments of two battalion chiefs and two fire chiefs to ensure continuity of the Department's fire operations and steps the Department are taking to address the budgetary shortfalls for the next fiscal year.</p> <p><u>Temporary assignments</u>                      On April 16, 2020 Battalion Chief Gary Hudson from Platoon 2 was assigned to Platoon 3 and on April 20, 2020 Battalion Chief Jason Ornellas from Platoon 3 was assigned to Assistant Fire Chief and placed on a forty (40) hour work schedule. Also, on April 16, 2020 Fire Captain Brian Doo was assigned to Platoon 1 as a Battalion Chief and Fire Captain Jayson Pablo was assigned to Platoon 2 as a Battalion Chief. The temporary assignments of the two fire captains will allow them to gain experience as battalion chiefs for succession planning.</p> <p><u>Budgetary measures</u>                      The Department has suspended \$38,000 of its funding for the Community Emergency Response Team Program (CERT). Preliminary cuts were taken to reduce travel and training budgets by 56% or \$96,801.00. Other high cost saving measures included the implementation of a new training regimen to focus on required training certifications, staff will now have to</p>	

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	<p>complete all training regimens while on duty and the training instructors have been placed on a 40 hour work week schedule, utilize target solutions, train cadre members with the assistance of the Department's training bureau staff to ensure compliances are being met, offer compensatory time to offset overtime costs, reduce the minimum staffing requirements to thirty-three (33) personnel, dollar funded the deputy fire chief and prevention bureau lieutenant positions and created two full-time ocean safety positions, reduced community risk reduction programs, assign only one on-duty staff member to participate in the Sparky Trailer Program, provide equal opportunity and fair distribution of overtime to one fire captain, one firefighter III and one firefighter I, complete updating the rank for rank policy, collective bargaining and limiting control over offers, submit reports to the Hawai'i Fire Fighters Association and generate monthly reports to the Administration and ensure compliance with total hours worked.</p> <p>As of April 29, 2020 the Department is still waiting to hear back from the Administration and the Department of Finance on additional budget cuts the Department needs to make to its 2020/2021 budget. Going into the new fiscal year, the Department is already in the red by \$779,000 due to spiking and because 90% of its budget will go to cover salaries. Out its \$33 million dollar budget, the Department will be left with three million dollars to support its operational budget. With regard to upcoming retirements, there are seven (7) personnel who have expressed their desire to retire at the end of 2020; however, that number could increase by two.</p> <p>With nothing further to report, Acting Fire Chief Kanoho opened the floor for questions.</p> <p>Mr. Pacheco asked what the consequences are if the Department is unable to meet the Administration's and the Department of Finance recommendations on budget cuts to which ACF Kanoho replied that his meeting with both agencies was put on hold due to the COVID-19 pandemic; however, he will be contacting the Administration on Thursday to continue the discussion. He explained that preliminary discussions with former Fire Chief Robert Westerman revealed that the Department is \$779,000 going into the new fiscal year due to employee benefits payouts and OPEB. He further explained that in addition to the shortage,</p>	

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	<p>the Department will also be out another \$71,000 which was supposed come from the state to cover the costs for the Kē'ē lifeguard tower.</p> <p>The state made a decision to withhold the funding including \$10,000 for each quarter totally \$40,000 because like the county, the state is facing its own budgetary shortfalls, but they (state) are working on getting COVID-19 funding from the federal government for relief and that the memo of understanding the county has with the state, the state reserves the right to withhold payments due to the county at their discretion.</p> <p>Mr. Pacheco asked theoretically if the state ends up with a billion dollar shortfall, in his view, will the Department have to make additional cuts to its already strapped budget to which Acting Fire Chief Kanoho replied that the saving grace would come from the seven or nine personnel who are slated to retire at the end of the year because the salaries would equate to roughly \$368,000 in savings for the Department. Other cuts that could be made should amount to another \$500,000 in savings for the county, but that's just an estimate.</p> <p>Mr. Martinez asked Acting Fire Chief Kanoho if he could provide the commission the names of the personnel who are slated to retire at the end of the year to which Acting Fire Chief Kanoho replied yes and that he would forward the information to Mercedes for distribution to the commission.</p> <p>Vice Chair Chahanovich asked if replacements for the retirees have already been considered and if the new hires salaries would be lower to which Acting Fire Chief Kanoho replied that the Mayor's Administration was gracious enough to allow the Department to hire four new trainees for this year and another new hire for next year and all five trainees are slated to start the recruit class on June 1, 2020.</p> <p>Chair Garces thanked Acting Fire Chief Kanoho for the information and all of the hard work he and the Department has been doing and are continuing to do on a daily bases. With no further questions or comments, Chair Garces moved on to item KFC 2020-05.</p>	

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<b>KFC 2020-05</b>	<p><u>Update on the audit that is being conducted on the Kaua‘i Fire Department to address overtime usage</u></p> <p>Acting Fire Chief Kanoho reported that on April 20, 2020 a meeting was held with the Certified Public Accountant, Tyler Kimura and members of the Spire Audit and the focus of the discussion was on four objectives relating to policies and procedures. The initial audit findings revealed between the year 2014 and 2017 the Department experienced a significant increase in the retirement overtime expenditures. According to the research financial records (RFR) spiking also occurred which in part had to do with rank for rank, sparky trailer program and department’s trainings regimens. Steps have also been taken to address the excessive overtime usage related to pension cost. Other audit recommendations included conducting regular assessments as well an separate assessment on staffing in the various fire stations and to redo the Department’s strategic plan, but that recommendation was later rescinded after the auditors received a copy of the Department’s 2016 and 2017 strategic plans. Nonetheless, plans are moving forward for a new strategic plan. KFD has two weeks to provide a formal response to the auditors. Copies of the final Audit will be distributed to the Administration, County Council, Fire Commission and the Fire Department once it becomes available. With nothing further to report, Chair Garces moved on to the next item.</p>	
<b>KFC 2020-07</b>	<p><u>Update on the meeting with Playgroup Consultant Leslie Mullens related to the Kaua‘i Fire Department’s five (5) Year Strategic Plan</u></p> <p>Acting Fire Chief Kanoho reported that a teleconference was held with Consultant Mullens and the question was raised was whether or not they should wait for the new Fire Chief to come on board or move ahead with the process. After a brief deliberation, a decision was made to move forward because there were still some initial matters that needed to be addressed and because they felt it would be more productive to meet with the working group and members of the committee on Wednesday to over the results from the survey that was conducted on members in the Fire Department and to get input from the various internal stakeholders. A second meeting is set for June 8, 2020 from 9 a.m. to 12 p.m. to finalize the dates for the upcoming focus groups workshops scheduled for July 27 and 31st, August 31<sup>st</sup> and September 1, 2020 from 9 a.m. to 3</p>	

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	<p>p.m. which all depends on the lifting of inter-island travel quarantine rule so that Ms. Mullens will be able to fly to Kaua‘i to conduct the workshops.</p> <p>Mr. Pacheco asked if members of the Fire Commission are able to attend the workshops to which Acting Fire Chief Kanoho replied that he’ll have to check with Assistant Chief Ornellas to see who can attend the workshops. Mr. Pacheco asked when the new Fire Chief comes board after the process is over and wanted to make some of his own changes to the strategic plans can he make those changes to which Acting Fire Chief Kanoho replied yes, and noted that because the new Fire Chief is going to be on island prior to the July 27<sup>th</sup> workshop he will be able to provide input; however, because Ms. Mullens is doing such a good job to keep the Department on track he does not foresee the new Fire Chief making changes to the strategic plan, but if he wanted to make some changes, he could.</p> <p>Ms. Ching reminded the commissioners that prior to COVID-19 pandemic, both Commissioners Kaauwai-Iwamoto and Martinez had already been selected by the body to represent the Fire Commission at the various focus groups. Acting Fire Chief Kanoho stated that once he confirms the dates for the focus group workshops, he will email the information to Mercedes for distribution to the commission. With no further questions, Chair Garces moved on to item KFC 2020-11.</p>	<p>Mr. Pacheco moved to receive Acting Fire Chief Kanoho’s report. Mr. Levinthol seconded. A roll ensued with Commissioners Kaauwai-Iwamoto, Levinthol, Martinez, Pacheco, Vice Chair Chahanovich and Chair Garces all voting in favor of the motion to receive Acting Fire Chief Kanoho’s report.</p>
<p><b>KFC 2020-11</b></p>	<p><u>Discussion on holding a Change of Command Ceremony</u></p> <p>Acting Fire Chief Kanoho stated that due to the social distancing rules the change of command ceremony may have to be done in a different fashion nonetheless they are looking at holding the ceremony at either the Kaua‘i War Memorial Convention Hall or at the County’s Rotunda. Preliminary discussions on getting flowers donated by Friends of the Kaua‘i Fire Department have been made as well.</p> <p>Mr. Martinez asked Ms. Ching what the date of arrival is for the new Fire Chief to be on island and on what date will he officially take command of the Fire Department to which Ms. Ching replied that the new Chief’s official start date is slated for Wednesday, July 1, 2020 and that he is schedule to be on the island on June 16, 2020 and would have to undergo a fourteen day</p>	

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	<p>quarantine.</p> <p>Acting Fire Chief Kanoho stated that there is a provision in the emergency rule that specifically states that a Fire Chief is considered an essential employee therefore technically, the new Chief can come to work as long as he does not show any symptoms and isolates himself from others in the Department, but that decision is for the Commission to make. Ms. Ching stated that although she appreciates Acting Fire Chief Kanoho’s gesture her number one concern is to make sure that men and women in the Fire Department remain healthy. She noted that the new Fire Chief has been told that he would have to undergo a fourteen day quarantine upon his arrival to Kaua‘i and that there was no way around it.</p> <p>Mr. Martinez asked why the new Fire Chief have to start on July 1<sup>st</sup> and why he can’t start the third or fourth week in July so he can orient himself in his new work environment.</p> <p>Ms. Ching stated that she has been working behind the scenes to gradually introduce the new Chief to all of the key people in the county including Police Chief Todd Raybuck, then later in the week she also plans to introduce the new Chief to Acting Fire Chief Solomon Kanoho via email. In addition, she’s been working with the County’s public information officer to coordinate a press release for the new Fire Chief to ensure the timing is right. Another important factor that needs to be incorporated into the change of command ceremony is the Chief’s oath of office, otherwise any orders that he gives prior to taking the oath would be non-binding and could cause some unnecessary ramifications.</p> <p>Acting Fire Chief Kanoho noted that the Kaua‘i Fire Department is planning to host a welcome get together for the new Fire Chief at no cost to the county and all of the logistics will be handled by the Department. An invitation will be sent to the Fire Commissioners once the plans have been solidified. With regard to the Chief’s oath of office what time is being considered to which Ms. Ching replied preferable in the morning after he’s completed his orientation with the Department of Human Resources.</p>	

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	<p>With no further questions, thanked Acting Fire Chief Kanoho for taking the time out of his busy schedule to meet with the commissioners to give them an update for doing a great job in leading the Fire Department.</p>	
<p><b>ES KFC 2018-002</b></p>	<p>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 item</p>	<p>At 2:50 p.m. Ms. Ching cited the Hawai‘i Revised Statutes to take the meeting into Executive Session.</p>
<p><b>ES KFC 2020-004</b></p>	<p>Pursuant to Hawai‘i Revised Statutes §92-4, §92-5 (a) (4), §92-9 (a) (1-4) and (b), the purpose of this Executive Session is for the Commission to approve or amend the Executive Session meeting minutes of April 6, 2020 and April 20, 2020 and to consult with its attorney on issues pertaining to the Commission’s powers, privileges, immunities, and or liabilities as they may relate to these items.</p>	<p>Mr. Pacheco moved to enter into Executive Session. Ms. Kaauwai-Iwamoto seconded. A roll call ensued with Commissioners Kaauwai-Iwamoto, Levinthol, Martinez, Pacheco, Vice Chair Chahanovich and Chair Garces voting in favor of the motion to enter into Executive Session. At 2:50 p.m. the Commission entered into Executive Session.</p>
<p><b>Return to Open Session to ratify the actions taken in Executive Session</b></p>		<p>At 3:20 p.m. the Commission reconvened in Open Session.</p>



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<b>Adjournment</b>		Ms. Kaauwai-Iwamoto moved to adjourn the meeting. Mr. Levinthol seconded. A roll call by Chair Garces ensued with Commissioners Kaauwai-Iwamoto, Levinthol, Martinez, Pacheco, Vice Chair Chahanovich and Chair Garces voting in favor of the motion to adjourn the meeting. At 3:25 p.m. the meeting was adjourned.

Submitted by: \_\_\_\_\_  
 Mercedes Omo, Staff Support Clerk

Reviewed and Approved by: \_\_\_\_\_  
 Alfredo Garces Jr., Chair

- ( ) Approved as circulated on
- ( ) Approved as amended. See minutes of \_\_\_\_\_ meeting.