

Approved

COUNTY OF KAUAI
Minutes of Regular Meeting
OPEN SESSION

Board/Commission	Kaua'i Fire Commission	Meeting Date	February 3, 2020
Location	Mo`ikeha Building – Meeting Room 2A/B	Start of Meeting: 2:01 p.m.	End of Meeting: 4:03 p.m.
Present	Chair Alfredo Garces Jr.; Vice Chair Jen Chahanovich; Commissioners: Linda Kaauwai-Iwamoto, Alfred Levinthol, Michael Martinez, Chad Pacheco 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; Fire Department: Acting Fire Chief Robert Westerman;		
Excused			
Absent			

SUBJECT	DISCUSSION	ACTION
Call To Order		Roll call commenced to bring the Regular Fire Commission meeting to order with all seven (7) members present to conduct business.
Public Testimony	None.	
Chair's Announcement	Next Monthly Meeting – 2 p.m. on Monday, April 6, 2020 at the Mō`ikeha Building in Meeting Room 2A/2B. Executive Session to follow.	
Approval of Meeting Minutes	Chair Garces called for a motion to approve or amend the minutes of January 6, 2020 meeting.	Mr. Nizo moved to approve the minutes as submitted. Mr. Martinez seconded the motion. The motion carried 7:0.

SUBJECT	DISCUSSION	ACTION
<p>January Employee of the Month Fiscal Officer Kathy Tanita</p> <p>February Employee of the Month Ocean Safety Officer Eric Pereza</p>	<p>Fiscal Officer Kathy Tanita was recognized for her outstanding work and for her efficiency in overseeing the Fire Department’s funds to ensure that all the checks and balances are in order and for exhibiting such a pleasant and helpful attitude while working with the different bureaus. As a token of appreciation, Acting Fire Chief Westerman presented Ms. Tanita with a certificate of outstanding and exemplary service. Chair Garces and the Commissioners congratulated Ms. Tanita for her outstanding work and contribution to keep the Kaua’i Fire Department running fiscally on track.</p> <p>Mr. Courson informed Chair Garces that a motion needed to be made to amend the agenda to recognize February’s employee of the month Ocean Safety Officer Eric Pereza. Chair Garces called for the motion.</p> <p>Ocean Safety Officer/Junior Lifeguard Instructor Eric Pereza was recognized for his numerous risky ocean rescues and for his unwavering commitment as a mentor to the youth in the community. He was deemed by his fellow co-workers a valuable member of the Kaua’i Fire Department and the Ocean Safety Bureau. Chair Garces and the Commissioners expressed their appreciation for Mr. Pereza for his dedication and commitment in keeping the community safe and for his mentorship to the youth in the community. As a token of appreciation, Acting Fire Chief Westerman presented Mr. Pereza with a certificate of outstanding service and exemplary service.</p> <p>At 2:15 p.m. Chair Garces called for a five (5) minute recess. At 2:20 p.m. Chair Garces called the meeting back to order.</p>	<p>Mr. Nizo moved to amend the agenda as indicated by Chair Garces. Ms. Chahanovich seconded the motion. The motion carried 7:0.</p>
<p>Monthly Reports as of December 31, 2019</p>	<ol style="list-style-type: none"> 1. Chief’s Activities & Events 2. Bureau Reports 3. Fiscal Report 4. Daily Flight Hours and Alarm Data 5. Strategic Initiative Plan 6. Letters of Commendations 7. Chief’s announcements and other pertinent updates 	

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	<p>Acting Fire Chief Westerman briefed the Commission on the data reflected in his Monthly Reports including the Department’s Strategic/Initiatives, then answered questions. Mr. Martinez questioned the Administration’s use of overtime to which Acting Fire Chief Westerman explained that the overtime expenditures is a direct result of the battalion chiefs and the assistant chief having to provide support out of their normal work hours because of the vacancies in the fire chief and the deputy fire chief positions. He noted that once those positions are stabilized things should return to normal. Lastly, Acting Fire Chief Westerman announced that he’ll be going on a planned vacation to Thailand from March 5 through April 19, 2020 and during his absence Battalion Chief Solomon Kanoho will be assigned as the Acting Fire Chief. With no further questions, Chair Garces called for a motion to receive the Monthly Reports.</p>	<p>Mr. Levinthol moved to receive the Monthly Reports as submitted. Mr. Nizo seconded and the motion carried 7:0.</p>
<p>BUSINESS KFC 2020-1</p>	<p><u>Discussion and decision-making on interview questions recommended by Permitted Interaction Group No. 4.</u></p> <p>Chair Garces called for a motion to adopt the interview questions as recommended by Permitted Interaction Group No. 4 at the Commission’s meeting on January 27, 2020.</p>	<p>Ms. Iwamoto moved to adopt the interview questions recommended by Permitted Interaction Group No. 4. Mr. Nizo seconded and the motion carried 7:0.</p>
<p>KFC 2020-5</p>	<p><u>Update on the audit that is being conducted on the Kaua‘i Fire Department to address overtime use.</u></p> <p>Acting Fire Chief Westerman reported that the Department has been cooperating with the Auditor’s by providing them with information and documents that were readily available. As for the bulk of the information it is in digital form so the Department had to seek help from the IT Department and have them gather the information, but as far as where the audit is at this point, he does not know.</p> <p>Mr. Nizo asked if the Commissioners are allowed to provide input regarding the audit to which Mr. Courson replied not depicted, and noted that the results of the audit will be presented to the Administration and the County Council once it becomes available. He reminded the Commissioners that the Fire Commission cannot interfere with the administrative functions of the Fire Department with the exception of the Fire Chief.</p> <p>With no further questions, Chair Garces moved on to item KFC 2020-6.</p>	

SUBJECT	DISCUSSION	ACTION
<p>KFC 2020-6</p>	<p><u>Discussion and decision-making on rescinding a motion that was previously adopted by the Fire Commission to provide Interim Fire Chief Robert Westerman with vehicle allowance.</u></p> <p>Ms. Ching informed the Commissioners that a matter was brought to her attention that the Fire Commission does not have the authority to provide Acting Fire Chief Westerman with vehicle allowance, because only the Salary Commission has the authority. Mr. Courson explained that unlike the fire fighters, police officers under SHOPO collective bargaining unit have subsidized vehicle allowances and because of that the Salary Commission felt that it was appropriate for the Police Chief and the Deputy Chief to receive the same subsidized vehicle allowance as their bargaining unit employees. However, the same does not apply to the Fire Chief. Chair Garces thanked Mr. Courson and Ms. Ching for the clarification, then called for a motion to rescind the original motion as noted on the agenda. After the vote was made, Chair Garces called on Mayor Kawakami to address the Commission on item ES KFC 2018-002.</p>	<p>Ms. Chahanovich moved to rescind the motion that was previously adopted by the Commission to provide Acting Fire Chief Robert Westerman with a set vehicle allowance for the use of his personal vehicle for business. Mr. Martinez seconded the motion. The motion carried 7:0.</p>
<p>Testimony on Item ES KFC 2018-002</p>	<p>Mayor Kawakami thanked the Commission for the opportunity to be able to share his thoughts and vision on the direction the Commission is going in the hiring process. He stated that rather than address the Commission in closed session about the hiring process, he felt that it would appropriate to address the hiring process in open session because nothing he was going to attest to would rise to the level of confidentiality. He stated that he strongly respects the Commission’s hiring process and commends the Commissioners for all of their hard work they’ve done in the past and are continuing to do. He pointed out that the hiring process is very daunting and often brings in large volumes of applications and finding the right candidate can be difficult and lengthy for both candidates and the Commission. But at the end of the day, he assured the Commissioners that he has confidence in them that they will select the right candidate to lead the Kaua’i Fire Department and who is going to serve Kaua’i and her people to the best of his or her ability.</p> <p>Chair Garces thanked Mayor Kawakami for taking the time out of his busy schedule to come to the meeting. He called on Ms. Ching to cite the Hawai’i Revised Statutes to take the meeting into Executive Session.</p>	
<p>EXECUTIVE SESSION KFC 2018-002</p>	<p><u>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</u></p>	<p>At 3:15 p.m. Boards and Commissions Administrator Ellen Ching cited the Hawai’i Revised Statutes to take</p>

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	<u>Commission’s powers, duties, privileges, immunities and liabilities as they may relate to this item. (On-going)</u>	the meeting into Executive Session.
ES KFC 2020-003	<u>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 consult with its attorney on questions and issues pertaining to the Commission’s powers, duties, privileges, immunities and liabilities as they may relate to interview questions that was presented by the Permitted Interaction Group No. 4.</u>	
ES KFC 2020-004	<u>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 minutes of December 12, 2019 and January 6, 2020 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.</u> Chair Garces called for a motion to enter into Executive Session.	Mr. Martinez moved to enter into Executive Session. Mr. Nizo seconded the motion and carried 7:0. At 3:16 p.m. the Commission entered into Executive Session.
Return to Open Session to Ratify the actions taken in Executive Session	At 4:00 p.m. the Commissioners reconvened in Open Session.	Mr. Nizo moved to ratify the actions taken in Executive Session. Mr. Pacheco seconded the motion. The motion carried 7:0. ES KFC 2018-002: Testimony was received by Hawai‘i Firefighters’ Association Union Rep. District of Kaua‘i Brian Doo. ES KFC 2020-003: A motion carried 7:0 to adopt the recommendations of the Permitted Interaction Group No. 4 on a list of

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		interview questions for the face-to-face interviews. ES KFC 2020-004: A motion carried 7:0 to approve the Executive Session Meeting Minutes of December 12, 2019 and January 6, 2020 as circulated.
Adjournment	With no further business to conduct, Chair Garces called for a motion to adjourn the meeting.	Mr. Martinez moved to adjourn the meeting. Mr. Pacheco seconded the motion. The motion carried 7:0. At 4:03 p.m. the meeting adjourned.

Submitted by: _____
 Mercedes Omo, Staff Support Clerk

Reviewed and Approved by: _____
 Alfredo Garces Jr., Chair

- (x) Approved as circulated on April 6, 2020
- () Approved as amended. See minutes of _____ meeting.