

Approved on February 4, 2019

COUNTY OF KAUAI
 DRAFT Minutes of Meeting
OPEN SESSION

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| Board/Commission | Kaua'i Fire Commission | Meeting Date | January 7, 2019 |
| Location | Mo`ikeha Building – Meeting Room 2A/B | Start of Meeting: 2:00 p.m. | End of Meeting: |
| Present | Chair Chad Pacheco; Vice Chair Linda Kaauwai-Iwamoto; Commissioners: Alfredo Garces Jr., Alfred Levinthol, Clifton (Jimmy) Miranda (arrived at 2:03 p.m.) Michael Martinez and Thomas Nizo. Also present: Board & Commissions Office Staff: Support Clerk Cherrisse Zaima; Administrator Ellen Ching; Office of the County Attorney: Deputy County Attorney Peter Morimoto; Fire Department: Deputy Fire Chief Kilipaki Vaughan; Chief Secretaries: Soncy Tamashiro and Debby Gatioan | | |
| Excused | | | |
| Absent | | | |



| SUBJECT | DISCUSSION | ACTION |
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| Call To Order | | Chair Pacheco called the meeting to order at 2:00 p.m. with six Commissioners present to conduct business. |
| Oath of Office | Administrative Assistant to the County Clerk Eddie Topenio gave the Oath of Office for Commissioners Alfredo Garces Jr. and Thomas Nizo. Second terms ending on December 31, 2021. | |
| Chair's Announcements/ Comments | None | |
| Approval of Meeting Minutes | Regular Open Session Minutes of December 4, 2018. | Mr. Levinthol moved to approve the meeting minutes as amended. Mr. Martinez seconded the motion. The motion carried 6). At 2:03 p.m. Mr. Miranda entered the meeting. |

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| <p>Chief's Monthly Reports as of 11/30/2018</p> | <ol style="list-style-type: none"> 1. Fire Commission Reports 2. Fiscal Report 3. Daily Flight Hours and Alarm Data 4. Chief's announcements and pertinent updates <p>Deputy Fire Chief Vaughan provided the Commission with an overview of the Department's monthly reports highlighting the upcoming Annual Fire Chief's Association Conference.</p> <p><u>Operations Bureau</u> Calls for service remained stable in the month of December with the exception of one structural fire which will be reflected in next month's report.</p> <p><u>Equipment & Apparatus Status</u> Most of the Department's equipment and apparatus are all mission capable with the exception of Engine No. 4 which remains partial mission capable.</p> <p><u>Training Bureau</u> Fire Instructor training was offered to the Department's incumbents. The training is a prerequisite to Fire Officer I and for other high level company officer positions which includes the fire chief, deputy fire chief, battalion chiefs, assistant chiefs, fire officer I and II positions. Other notable on-going training session include auto extrication instructor refresher training.</p> <p><u>Fire Prevention Bureau</u> Due to a change in positions, the work load for all Firefighter III's and the Fire Inspectors to review fire building plan permits have increased due a vacancy in the Fire Lieutenant's position.</p> | |

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| | <p>Mr. Martinez asked if the inspections on commercial kitchen hoods include food trucks hoods to which Deputy Fire Chief Vaughan replied that initial witness inspections are done on all commercial food trucks hoods.</p> <p><u>Ocean Safety Bureau</u></p> <ul style="list-style-type: none"> • The OSB took part in the HFCA leadership training. • OSB Junior Lifeguard Program will be beginning its new program in the summer of 2019. • Staffing at the Hā'ena lifeguard towers are continuing to be staffed despite of the low visitor counts which means other beach locations like Larsen's Beach, Wanini, Kaupaea, Kaliwai are being populated so the Department will be appearing before Council to request consideration for a money bill to create 2.5 full time roving patrol positions <p><u>Budget Report</u> The Budget is on track with no significant factors affecting the budget with the exception of an increase due to upcoming retirements.</p> | <p>Mr. Nizo moved to receive the Chief's Monthly Reports. Mr. Miranda seconded the motion. The motion carried 7:0.</p> |
| <p>KFC 2019-01</p> | <p><u>Discussion and decision-making on collaborating with the Kaua'i Police Commission and the Board of Water to appear before the Salary Commission at its January 9, 2019 meeting to ask for consideration to increase the salary cap for their respective Department Heads.</u></p> <p>(a) <u>Communication dated December 27, 2018 from the Kaua'i Police Commission to Chair Thomas Nizo regarding an invitation to join the Police Commission in a discussion regarding Salaries.</u></p> <p>Mr. Nizo stated that, in light of the disparity in pay between the Fire Chief and the Police Chief and their respective subordinates he feels that the Fire Commission should accept the Police Commission's invitation to attend the Salary Commission's meeting on</p> | |

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| | <p>January 9th to request for an increase in the salary cap for the Fire Chief. For clarification, Mr. Martinez asked if the Police Commission wanted the Fire Commission to testify in support of the salary increase for the Police Chief as well to which Mr. Nizo replied no, and that the purpose of the invitation is to show that the Police Commission and the Fire Commission are unified in asking for a salary cap increase for their respective department heads.</p> <p>Chair Pacheco shared that he received a call from a member of the Police Commission that they were going to approach the Salary Commission to ask for a salary cap increase for the Police Chief and that they wanted to invite the Fire Commission to do the same. He shared that like the Fire Commission, the Police Commission found that during the hiring process they lost a lot of qualified candidates due to the level of pay the Police Chief was making. He added that in order to retain suitable qualified people something has to done to fix (if at all possible) the inversion of salaries that continues to exist, where the highest paid “exempt management” subordinates’ salaries are higher than the department and deputy department heads.</p> <p>Mr. Nizo asked if someone could explain what the difference in the degree of responsibility is between the deputy fire chief and the assistant fire chief.</p> <p>Deputy Fire Chief Vaughan explained that as the head of the department the Fire Chief is responsible for the Administrative duties comprised of planning, directing and controlling all fire department activities including recruitment, purchase of equipment, control of expenditures, preparation of budget estimates and assignments. The Deputy Fire Chief is the second in command of the fire department and the job comes with significant responsibility; in addition to other duties. The deputy fire chief takes the lead in the absence of the fire chief and it includes a combination of administrative work and time spent in the field to keep operations running efficiently in the fire department. He shared that he’s always had a great working relationship with Fire Chief Westerman and although there’s a disparity in pay their job duties were essentially the same, but with</p> | |

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| | <p>all things maintaining balance is important and although they both provided their own input on various issues, Fire Chief Westerman always had the final decision.</p> <p>Mr. Nizo asked if the Assistant Fire Chief's main duties are more on the operational side to which Deputy Fire Chief Vaughan replied that in the Kaua'i Fire Department case, the Assistant Fire Chief oversees all fire operations and unlike other the fire department's within the state, the Assistant Fire Chief would normally oversee anything from administrative issues to support and planning issues.</p> <p>Mr. Miranda asked what are the salary ranges from the top to bottom to which Deputy Fire Chief Vaughan replied as follows:</p> <p style="padding-left: 40px;"><u>Exempt Positions no overtime benefits</u></p> <ul style="list-style-type: none"> • Fire Chief's salary is capped at \$127,313 • Deputy Fire Chief salary is capped at \$114,582 <p style="padding-left: 40px;"><u>Collective Bargaining Unit with overtime benefits</u></p> <ul style="list-style-type: none"> • Assistant Fire Chief - \$124,584 • Battalion Chief - \$127,410 includes years of service • Battalion Chief \$118,967 <p>Mr. Nizo asked the Commissioners if they were ready to select two members from the Fire Commission to attend the Salary Commission meeting on Wednesday, January 9, 2018 at 2:00 p.m. and if a motion to designate two from members of the Commission to speak on behalf the Fire Commission needed to be made.</p> <p>Mr. Courson stated that a motion to designate two members of the Commission to attend the Salary Commission meeting as well as the County Council meeting would be highly advisable in lieu of the Sunshine Law. Another option may include forming a permitted interaction group but the downside which would be time cumbersome because it would take three meetings to complete the task and the last option is have all seven members attend the meeting, but that would require the posting of a regular meeting agenda. Therefore, the best way to approach the matter which is less time consuming is for the</p> | <p>A motion was made by Mr. Martinez and seconded by Vice Chair Kaauwai-Iwamoto for Mr. Nizo and Mr. Miranda to attend the 01/09/19 Salary Commission meeting to request consideration of salary cap increase for the Fire Chief. The motion carried 7:0.</p> |

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| | <p>Commission to designate two members to attend the Salary Commission on January 9 that way it would give the Salary Commission more than enough time for them to adopt a new salary resolution before the March 15th deadline as stated in the County Charter.</p> <p>Mr. Courson advised the Commissioners to figure out what they done because it would help the Salary Commission. In addition, he would like to recommend that staff help reduce the motion in writing so the Commission can present it to the Salary Commission who in turn can pass it on to the County Council. In regard to the other fire chiefs salaries the numbers are as follows: Hawai'i County Fire Chief is at \$151,200, Maui Fire Chief is at \$151,200 and the City and County of Honolulu Fire Chief is at \$192,528.</p> <p>Mr. Courson stated that providing findings of facts like what the Commission had just gone through recently during the hiring process that "inversion" of salaries continue to exist where the subordinates' salaries are higher than the fire chief and the deputy fire chief.</p> <p>Mr. Nizo asked how many employees are in the Kaua'i Department to which Deputy Chief Vaughan replied 200 plus employees. Mr. Nizo asked if the a specific salary amount should be agreed upon by the Commissioners to which Mr. Courson replied yes, and stated that the Commission should put its reasons as to why it wants to raise the Fire Chief's salary cap on the record that way the Salary Commission will something to go on.</p> <p><u>Discussion</u> Chair Pacheco asked the Commissioners if they had any reservations on increasing the salary from \$127,313 to \$151,200 as motion by Mr. Nizo and seconded by Mr. Miranda.</p> <p>Ms. Kaauwai-Iwamoto stated that although she had no reservations about raising the Fire Chief's salary cap to \$151,200 she just wanted to point out that the reasons why the Big Island Fire Chief and the Maui Fire Chief's salary is at a higher level is because Hawai'i County is a much larger than Kaua'i County and Maui County is considered a Tri-county.</p> | <p><u>Motion No. 1</u> Mr. Nizo moved to increase the Fire Chief's salary cap from \$127,313 to \$151,200. Mr. Miranda seconded the motion.</p> |

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| | <p>As for the Honolulu Fire Chief's salary, the City of Honolulu has the most population compared to Kaua'i, Maui and Big Island counties.</p> <p>Mr. Nizo noted that it all boils down to the question on why would any subordinate want to take the Fire Chief's position when they can make more money in their current position to which Chair Pacheco echoed Mr. Nizo's sentiments and agreed that the \$151,200 salary cap for the Fire Chief might attract future fire chief candidates.</p> <p>Mr. Martinez pointed out that both Fire Chief Westerman and the Deputy Fire Chief Vaughan's have done an outstanding job despite of their responsibilities being never-ending. He stated that the Fire Chief's current salary at \$127,313 is very low and brings up the question what incentives his subordinates has to want to become a fire chief therefore, he would be supporting the Commission's request to the Salary Commission to increase the Fire Chief's salary cap to \$151,200.</p> <p>With no further discussion, Chair Pacheco called for the vote to increase the Fire Chief's salary cap to \$151,200.</p> <p>Mr. Miranda asked if a request to bring the deputy chief's salary up to par with the battalion's chiefs could be included in the Commission's request to which Mr. Courson replied that historically when the Salary Commission gives a department head a raise they've typically also given the deputy a corresponding raise at the same time. But to make it clear it wouldn't hurt if the Commission wanted to voice its thoughts about giving the deputy a raise as well.</p> <p>Chair Pacheco asked if it's within the Commission's purview to include asking the Salary for a salary increase for the deputy fire chief to which Mr. Courson replied that he's sees no problem if the Commission wanted to articulate a certain salary amount for the deputy fire chief.</p> | <p>The motion carried 7:0.</p> |

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| | <p>Mr. Nizo stated that it was his understanding that the Fire Commission only has jurisdiction over the fire chief but not the deputy fire chief. Mr. Courson stated that perhaps it would be better left up to the Fire Chief to advocate for a salary increase for the Deputy Fire Chief. Mr. Nizo noted that because the Fire Chief hires the Deputy the Commission is only trying to effect change for the Fire Chief.</p> <p>Ms. Ching introduced herself as the new Boards and Commission's Administrator and noted that she would personally contact the Chair of the Salary Commission to let him know that two members of the Fire Commission will be attending the meeting at 9:00 a.m. on January 9, 2019. She asked Mr. Courson if a motion should be formally made to designate two Commissioners to attend the meeting to which Mr. Courson replied that it certainly wouldn't hurt.</p> | <p><u>Motion No. 2</u> A motion was made by Mr. Martinez and seconded by Vice Chair Kaauwai-Iwamoto for Mr. Nizo and Mr. Miranda to attend the 01/09/19 Salary Commission meeting to request consideration of salary cap increase for the Fire Chief. The motion carried 7:0.</p> |
| Announcements | Next Regular Meeting – 2 p.m. on Monday, February 4, 2019 at the Mo'ikeha Building, Meeting Room 2A/2B. Executive Session to follow. | |
| Executive Session ES KFC 2018-002 | 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 deliberate and make a decision on 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) | Vice Chair Kaauwai-Iwamoto read the Hawai'i Revised Statutes to take the meeting into Executive Session. |
| ES KFC 2019-001 | 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 the Executive Session meeting minutes of December 4, 2018, and to consult with its attorney on issues pertaining to the Commission's | At 2:55 p.m. the Commissioners entered into Executive Session. |

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| | powers, duties, privileges, immunities, and or liabilities as they may relate to this agenda item. | |
| Return to Open Session to ratify the actions taken in Executive Session. | | <u>ES KFC 2018-001:</u> Motion carried 6:1 to rescind conditional job offer. <u>ES KFC 2019-001:</u> Motion carried 7:0 to approve the Executive Session Meeting Minutes of December 4, 2018 as circulated. |
| Adjournment | With no further business to conduct, Chair Pacheco called for a motion to adjourn the meeting. | Mr. Nizo moved to adjourn the meeting. Mr. Martinez seconded the motion. The motion carried 7:0. |

Submitted by: _____
 Mercedes Omo, Staff Support Clerk

Reviewed and Approved by: _____
 Linda Kaauwai-Iwamoto, Vice Chair

- (x) Approved as circulated on February 4, 2019
 () Approved as amended. See minutes of _____ meeting.