

COUNTY OF KAUAI  
Minutes of Meeting  
**OPEN SESSION**

Board/Commission	<b>Kaua'i Fire Commission</b>	Meeting Date	<b>April 1, 2019</b>
Location	Mo`ikeha Building – Meeting Room 2A/B	Start of Meeting: 2:05 p.m.	End of Meeting: 3:30 p.m.
Present	Chair Chad Pacheco; Commissioners: Jen Chahanovich, Alfred Levinthol and Michael Martinez Also present: Board & Commissions Office Staff: Support Clerk Mercedes Omo; Administrator Ellen Ching; Office of the County Attorney: Deputy County Attorney Cameron Takamura; Fire Department: Deputy Fire Chief Kilipaki Vaughan and Chief's Secretary Sony Tamashiro; Human Resource: Acting HR Director Janine Rapozo and HR Manager Jill Niitani. Public Testifiers: Colin Wilson, Greg Morishige and Mike Gibson		
Excused	Vice Chair Kaaupai-Iwamoto and Commissioners Alfredo Garces Jr and Thomas Nizo.		
Absent			

SUBJECT	DISCUSSION	ACTION
<b>Call To Order</b>	Prior to calling the meeting to order, County Clerk Jade Fountain-Tanigawa gave the Oath of Office to new Fire Commissioner Jen Chahanovich whose 1 <sup>st</sup> term will end on December 31, 2021.	Chair Pacheco called the meeting to order at 2:05 p.m. with four (4) Commissioners present to conduct business.
<b>Chair's Announcements</b>	Next Regular Monthly Meeting – 2:00 p.m. on May 6, 2019 at the Mo`ikeha Building, Meeting Room 2A/2B. Executive Session to follow.	
<b>Approval of Minutes</b>	Regular Open Session Minutes of March 4, 2019	Mr. Martinez moved to defer the approval or amendment of the meeting minutes to the Commissions May 6, 2019 meeting. Mr. Levinthol seconded the motion. The motion carried 4:0.
<b>Chief's Monthly Reports as of February 28, 2019</b>	<ol style="list-style-type: none"> <li>1. Fire Commission Reports</li> <li>2. Fiscal Report</li> <li>3. Daily Flight Hours and Alarm Data</li> <li>4. Chief's announcements and other pertinent updates</li> </ol>	

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	<p>Deputy Fire Chief Vaughan provided an overview of his monthly reports highlighting the recommendations for the Department's strategic goals and initiatives set for completion by the year's end and the Fire Department's budgetary discussions related to Fiscal Year 2019/2020.</p> <p><u>Operations Bureau</u> Out of the 504 calls for service 84 were cancelled while in route. The calls range from medical, vehicular accidents, structural and brush fires.</p> <p>In regard to the structural fires, Mr. Martinez asked if any of the buildings had a fire suppression system in place to which Deputy Fire Chief Vaughan replied that none of the buildings had a fire suppression system. The Department has been advocating for residential fire sprinklers for many years and took note from conducting fire investigations that the occupants are considering moving with residential fire sprinkler to replace the home as well as for the new upcoming structures.</p> <p><u>Equipment &amp; Apparatus</u> Majority of the Department's engines are mission capable with the exception of engine no. four which is still partial mission capable.</p> <p><u>Training</u> The national emergency technician training class for the nine (9) recruits will begin on March 1, 2019.</p> <p><u>Fire Prevention Bureau</u> As usual the bureau has been busy reviewing building permits, conducting its annual fire extinguisher trainings at various locations throughout the island. As well as doing fire safety presentations at the various elementary schools throughout the island.</p>	

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	<p><u>Ocean Safety Bureau</u>                      The bureau has successfully completed its first conference call using its iPad electronic software. There was one report of a drowning in the month of February</p> <p><u>Fiscal Year budget as of February 28, 2019</u>                      The Department is on track with an expenditure of 66.67% of its annual budget of \$32, 098,761.00 with a remaining percent of 33.33%.</p> <p><u>Air 1 Daily Flight Hours &amp; Alarm Data</u></p> <ul style="list-style-type: none"> <li>▪ Total flight hours 3.3 Hours</li> <li>▪ Alarm Data for fire rescues – 1hour</li> <li>▪ Alarm Data for emergency – 1 hour</li> <li>▪ Alarm Hours Search &amp; Rescue – 0.2</li> <li>▪ Alarm Hours Fire – 0.5</li> <li>▪ Pilot Training Hours- 1.9</li> <li>▪ Admin Hours KPD – 0.7</li> </ul>	<p>Mr. Levinthol moved to accept the Chief’s Monthly Reports.                      Mr. Martinez seconded the motion.                      The motion carried 4:0.</p>
<p><b>Business</b>  <b>KFC 2019-04</b></p>	<p><u>Commission’s response to questions posed by Mr. Colin Wilson at its March 4, 2019 meeting regarding the status of the hiring of a new Fire Chief.</u></p> <p><u>Question No. 1</u>                      Where the Commission is with the hiring process to select a new Fire Chief?  <i>Commissions response: As of today, the Commission is at step one of its hiring process.</i></p> <p><u>Question No. 2</u>                      Does the Commission intend to hire Deputy Fire Chief Vaughan to be the new Fire Chief?  <i>Commission response: If the Deputy Fire Chief chooses to apply for the positon the Commission would consider his application as they will with everyone else who applies.</i></p>	

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	<p><u>Question No. 3</u>                      Why was the particular candidate not selected to be the next Fire Chief?  <i>Deputy County Attorney response: Because of privacy rights, the Commission is prohibited from discussing personnel matters.</i></p> <p>Mr. Wilson thanked the Commissioners for taking the time to answer his questions. He pointed out to the Commissioners that moving forward to remain as transparent as possible during the hiring process to find a new Fire Chief for the Kaua‘i Fire Department.</p>	
<p><b>KFC 2019-05</b></p>	<p><u>Discussion and decision-making on selecting a process to hire a new Fire Chief.</u></p> <p>Chair Pacheco suspended the rules to allow public testimony.</p> <p>Mr. Greg Morishige testified that he was one of the applicants who applied for the Fire Chief’s position and although he was informed by a letter that he had met the minimum qualifications he wanted to why he was not invited to the interview. He asked how does the Commission decide who can or cannot make the interview.</p> <p>Deputy County Attorney Takamura stated that the Commission will be starting its hiring process from the beginning and in order to be more transparent the Commission will have all discussions in open session in terms of the hiring process with the exception of matters affecting a person’s privacy.</p> <p>Mr. Morishige stated that Mr. Takamura’s response still did not answer his as to why he was not hired because based on the letter he got from Ms. Janine Rapozo he did qualify, but did not hear anything back. But two weeks ago, he received another letter from Ms. Rapozo saying he was not selected, so his question today is why wasn’t he selected?</p> <p>He shared that he does not have a four year degree because back then he just got married, but later earned a two year degree from the Kaua‘i Community College. He stated that he has twenty-nine years of service in the Kaua‘i Fire Department and worked his way up as a Battalion Chief.</p>	

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	<p>Mr. Takamura stated that under the Commission’s last hiring process one of things the Commission required was a BA Degree and although he met the minimum qualifications under the Charter, the qualifications of the Commission was to have a BA Degree.</p> <p>Mr. Morishige thanked Mr. Takamura for clarifying why he was not selected. Mr. Takamura added that in the new hiring process the Commission will revisit what the requirements are going to be.</p> <p>Mr. Wilson reminded the Commissioners to keep in mind that a degree is no substitute for experience and knowledge.</p> <p>With no further testimony, Chair Pacheco called the meeting back to order to select an options the Commission is going to go forward with its hiring process.</p> <p>Mr. Martinez asked if the Commission is thinking of modifying the requirements or add to the minimum qualifications like it did the last time requiring a BA and ocean safety certification. Chair Pacheco replied the Commission is at square one of the hiring process, and added that years of service as a battalion chief or assistant should be taken under consideration as well.</p> <p>Ms. Chahanovich asked of the Commission was to select Option 3, is there a budget for that. Ms. Ching stated that she check to see, but if the Commission selects Option 3, she’ll do her best to find the funds. In hearing from the other Commissions who have gone through the hiring process using an outside agency there hasn’t been much success and would recommend Option one or Option two.</p> <p>Mr. Levinthol stated that whether the Commission selects Options one or two the qualifications should be what’s stated in the Charter and not add anything else to it.</p> <p>Chair Pacheco stated that if the Commission selects Option 2, he would like to ocean safety remain as one of the qualifications. Mr. Martinez agreed.</p>	

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	<p>Mr. Levinthol stated that he doesn't think that ocean safety should be a qualification because whoever the new Chief is, he wouldn't have to jump into the ocean to save someone, he'll just have the firemen do it.</p> <p>Chair Pacheco stated that the priority today is to select an option so the Commission can move forward with the hiring process.</p> <p>Ms. Rapozo clarified that the Commission did not add any requirements initially so HR took in all forty the applications, the Commission then decided who it wanted to interview because it didn't want to interview all forty applicants who made the cut which is when the Commission came up with criterias'to narrow the list down.</p> <p>Mr. Martinez stated that based on the previous advertisement forty people applied for the job and to try to make more manageable the Commission added extra criterias' like degree and ocean safety. He ask the audience if they felt it was fair for the Commission to add additional criterias` at this point to help attract more diverse applicants to ensure that the Commission selects the right person for the job or should the Commission change the criterias' at later on in the hiring process.</p> <p>Mr. Morishige stated that it would not be fair to change any of the criterias's at this point or at any point because if any of the former applicants wanted to reapply and already qualified adding different criterias' may lessen their chances to qualify for the position.</p> <p>Mr. Wilson asked how many candidates made it to the face-to-face interviews to which Mr. Martinez replied one. Mr. Wilson stated that moving forward perhaps the Commission should get a commitment from the final candidates to make sure that they want to be considered for the Fire Chief's positon and if they should show-up for the face-to-face interviews.</p> <p>Mr. Mike Gibson, resident of Kapa'a and a retired Battalion Chief for the City of Henderson, Nevada. He stated that he understands it takes a great amount of time to look for the right candidate, as he was one of the candidates'. He pointed out that he did not</p>	

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	<p>move to Kaua‘i to take someone else’s job but he has something to contribute and that’s why he put his name in. He stated that although he understands it’s unfortunate that the Commission cannot take a week to conduct interviews because the Commission are probably going to miss a lot of good candidates. He stated that he understands why some people were cut from the list but again, the Commission could be missing a lot of good people with people skills that don’t have a certificate in this or that. He ended by saying if the Commission can find the time to interview more people that would be great and that he’ll be at all of the meetings to support the Commission.</p> <p>Ms. Felicia Cowden stated that she’s happy that the Commission did not go with Option 3 because it’s important to have local knowledge and a good temperament to make the right choices. She added that having ocean safety experience does matter to determine one difficult beach from another and having the understanding to know where each ahupuaas’ are located is an added plus. She ended by saying that she would like to see the Fire Commission interview a decent amount of people because that is what it will take to get the right match for the job.</p> <p>Ms. Ching stated that she was not here when the discussion on the qualifications were discussed but to her understanding is that the Commission adopted the same qualifications as defined in the Charter. After which, the Commission developed a list of preferences and it was those preferences that was used to narrow down the list of qualifications or qualified applicants. So it’s a little different changing what the qualifications are versus having a list to whittle down qualified applicants.</p> <p>Ms. Rapozo stated that what Ms. Ching had just mentioned was correct in that the minimum qualifications as describe in the ad was five years of fire fighter experience and three years in an administrative capacity, as well as the different criterias’.</p> <p>Ms. Niitani added that the Commission also looked at the Fire Chief’s new job description in terms of desirable skills and other desirable skills which included a BA degree and even expounded a little on the qualification in regard to the Chief’s duties and responsibilities.</p>	

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	<p>Mr. Levinthol stated that he thinks it was a mistake to add the BA degree because it eliminated candidates like Mr. Morishige who met the qualifications as stated in the Charter. He suggested using just the language in the Charter moving forward.</p> <p>Ms. Rapozo stated that she does not want to discourage Mr. Levinthol by wanting to go with what the Charter says, but by doing so the number of applicants is going to double or triple and she doesn't know if that would doable in terms of the amount of time and effort it would take the permitted interaction group to have to go through all of the applications and conduct interviews on what could be eighty to hundred applicants.</p> <p>Chair Pacheco shared that during the phone interviews it took the permitted interaction group two five to six hours days to complete the interviews for fifteen applicants. Mr. Levinthol stated that to help lessen the amount of applicants perhaps it would be good idea to include in the Fire Chief's job posting the cost of living.</p> <p>Ms. Niitani stated that the candidates who did pull out of the face-to-face interviews cited that they were willing to come to Kaua'i but they did not to have to incur all of the cost to travel to Kaua'i.</p> <p>Ms. Ching stated that in addition to being reluctant to cover the costs to come to Kaua'i to do the face-to-face interviews, the candidates were given only two weeks to make arrangements to come to Kaua'i. So as a suggestion, the Commission should give the candidates sufficient time to make the necessary arrangements. Mr. Martinez noted that it was agreed upon by the Commission to give the candidates a thirty day notice.</p> <p>Ms. Ching asked for the sake of transparency if it would be copasetic to state what the criterias' were on the last hiring process. Mr. Takamura stated that in the interest of time he thinks that the Commission could proceed with what the qualifications are going forward. Mr. Martinez stated that procedurally it's going to take the Commission a while to decide what the criterias' are going to be; the Commission; however, could reveal what the previous criterias' to be transparent, but keep in mind that it may not be the same moving forward.</p>	



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	<p>Ms. Niitani stated that the seven criterias' needed to qualify in the previous hiring process were:</p> <ul style="list-style-type: none"> <li>• BA degree;</li> <li>• Prior "Chief" experience two or more years and if yes;</li> <li>• Did they oversee 200 plus employees</li> <li>• Certified as a Fire Officer IV</li> <li>• Certified as an Executive Fire Officer or Fire Chief designee certification;</li> <li>• Certified as a Hazmat Incident Commander</li> <li>• Ocean or Water Safety experience</li> </ul> <p>Chair Pacheco asked Mr. Takamura if would be appropriate to add the previous seven criterias' as mentioned by Ms. Niitani to the Fire Chief's job posting, in addition to the language in the Charter as required. Mr. Takamura stated that in addition to the language in the Charter, the Commission could also weigh in on any one of the desirable qualifications listed in the Chief job description. Chair Pacheco stated that to keep things on track, he would like call for a motion and the vote to select Option no. 2 before continuing on with the discussion.</p> <p>At 2:54 p.m. Chair Pacheco called for a five minute recess.                      At 3:05 p.m. Chair Pacheco called the meeting back to order.</p> <p>Chair Pacheco stated that the Commissioner's should each have a copy of the Fire Chief's job description that was adopted by the Commission on November 6, 2017. He noted that in the job description there's a list of desired knowledge and desired qualifications some of which were added to the Fire Chief's job posting. He pointed out that due to the task at hand, he would like to call for a motion to defer the item for continued discussion at the Commission May 6, 2019 meeting when all seven members are present to take part in the discussion.</p>	<p><u>Motion No.1</u>                      Mr. Levinthol moved to select Option no. 2. Mr. Martinez seconded the motion. The Motion carried 4:0.</p> <p><u>Motion No. 2</u>                      Mr. Martinez moved to defer item KFC 2019-05 to the Commission's May 6, 2019 meeting for continued discussion on the selection of the criterias'. Mr. Levinthol seconded the motion. The motion carried 4:0.</p>

SUBJECT	DISCUSSION	ACTION
<p><b>Executive Session</b> <b>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 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)</p>	<p>At 3:11 p.m. Chair Pacheco cited the Hawai‘i Revised Statutes to take the meeting into Executive Session.</p>
<p><b>ES</b> <b>KFC 2019-004</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 the Regular Executive Session Meeting Minutes of March 4, 2019 and to consult with its attorney on issues pertaining to the Commission’s powers, duties, privileges, immunities, and or liabilities as they may relate to this agenda item.</p>	<p>Mr. Martinez moved to enter into Executive Session. Ms. Chahanovich seconded the motion. The motion carried 4:0.</p> <p>At 3:11 p.m. the Commissioners entered into Executive Session.</p>
<p><b>Return to Open Session to ratify the actions taken in Executive Session</b></p>	<p>At 3:30 p.m. the Commissioners reconvened in Open Session. Chair Pacheco called for a motion to ratify the action taken in Executive Session.</p>	<p>Mr. Martinez moved to ratify the actions taken in Executive Session. Mr. Levinthol seconded the motion. The motion carried 4:0.</p> <p>ES KFC 2018-002: On-going</p> <p>ES KFC 2019-004: Motion carried 4:0 to approve the Executive Session Meeting Minutes of March 4, 2019 as amended.</p>
<p><b>Adjournment</b></p>	<p>Prior to adjourning the meeting. Chair Pacheco asked Staff to place a discussion and decision-making on forming a permitted interaction group. Staff acknowledged the Chair’s request to place the item on the Commission’s May agenda. With no further business to conduct, Chair Pacheco called for a motion to adjourn the meeting.</p>	<p>Mr. Martinez moved to adjourn the meeting. Mr. Levinthol seconded the motion. The motion carried 4:0. At 3:30 p.m. the meeting adjourned.</p>

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

Reviewed and Approved by: \_\_\_\_\_  
Chad Pacheco, Chair

- Approved as circulated on **May 6, 2019**
- Approved as amended. See minutes of \_\_\_\_\_ meeting.