

Kenneth Rainforth  
Chair

Members:  
Trinette Kauai  
Leland Kahawai

Robert Crowell  
Vice Chair

**COUNTY OF KAUAI SALARY COMMISSION  
NOTICE OF MEETING AND AGENDA**

Wednesday, November 6, 2019  
9:00 a.m. or shortly thereafter  
Mo`ikeha Building, Meeting Room 2 A/B  
4444 Rice Street, Lihu'e, HI 96766

**CALL TO ORDER**

**CHAIR'S ANNOUNCEMENTS INCLUDING BUT NOT LIMITED TO:**

- Next scheduled meeting: 9:00 a.m. on Thursday, December 5, 2019 at the Mō'ikeha Building, Meeting Room 2A/2B.

**APPROVAL OF MINUTES**

- Open Session Minutes of September 5, 2019

**BUSINESS**

SC 2019-04 Discussion on establishing the maximum cap for salaries for certain County officers and employees included in Section 3-2.1 of the Kauai County Code for the Fiscal Year 2020/2021. (Deferred 9/5/2019)

SC 2019-05 Communication dated July 3, 2019 from Jan TenBruggencate, Vice Chair, Charter Review Commission to Kenneth Rainforth, Chair, Salary Commission requesting proposals to amend the Charter. (Deferred 9/5/2019)

**NOTICE OF EXECUTIVE SESSION**

Pursuant to Hawai'i Revised Statutes §92-7 (a). The Commission may, when deemed necessary, hold an executive session on any agenda item without written public notice if the executive session was not anticipated in advance. Any such executive session shall be held pursuant to HRS §92-4 and shall be limited to those items described in HRS §92-5(a).

cc: Deputy County Attorney Andrew Michaels

**ADJOURNMENT**

### PUBLIC COMMENTS and TESTIMONY

Persons wishing to offer comments are encouraged to submit written testimony at least 24-hours prior to the meeting indicating.

- 1) Your name and if applicable, your position/title and organization you are representing.
- 2) The agenda item that you are providing comments on; and
- 3) Whether you are testifying in person or submitting written comments only;
- 4) If you are unable to submit your testimony at least 24 hours prior to the meeting, please provide 10 copies of your written testimony at the meeting.

The length of time allocated to persons wishing to present verbal testimony may be limited at the discretion of the chairperson or presiding member.

#### Send written testimony to:

Salary Commission

Office of Boards and Commissions

4444 Rice Street, Suite 150 Līhu'e, HI 96766

E-mail: [mromo@kauai.gov](mailto:mromo@kauai.gov)

Phone: (808) 241-4920      Business Fax: (808) 241-5127

#### SPECIAL ASSISTANCE

If you need an auxiliary aid/service or other accommodation due to a disability, or an interpreter for non-English speaking persons, contact Anela Segreti at (808) 241-4917 or [asgreti@kauai.gov](mailto:asgreti@kauai.gov) as soon as possible. Requests made as early as possible will allow adequate time to fulfill your request. Upon request, this notice is available in alternate formats such as large print, Braille, or electronic copy.

**SALARY COMMISSION  
COUNTY OF KAUAI  
4444 RICE STREET, MOIKEHA BUILDING  
MEETING ROOM 2A/2B  
LIHUE, HAWAII 96766**

**MINUTES OF THE COMMISSION'S:**

**September 5, 2019 MEETING**

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**1. ATTENDANCE**

Commissioners: Kenneth Rainforth Chair; Robert Crowell Vice Chair;  
Trinette Kauai and Leland Kahawai

Commission Support Staff: Ellen Ching, Boards Commissions Administrator and  
Mercedes Omo, Support Clerk.

Commission's Legal Counsel: Deputy County Attorney Andrew Michaels

**OATH OF OFFICE**

Prior to the meeting being called to order, Eddie Topenio, Assistant to the County Clerk, gave the Oath of Office to Commissioner Leland Kahawai. First term ending on December 31, 2021.

**CALL TO ORDER**

Chair Rainforth: Good morning, it's 9:05 a.m. and this session of the Kaua'i Salary Commission will come to order.

**2. CHAIR'S ANNOUNCEMENTS INCLUDING BUT NOT LIMITED TO:**

Chair Rainforth: On our agenda, the first thing is our next scheduled meeting for Thursday, October 3, 2019 at 9:00 a.m. in this same room. Is everybody able to attend the meeting?

Mr. Kahawai: Mr. Chair, I will not be able to attend. I'll be off-island.

Chair Rainforth: Because we need four people to conduct business, we should adjust our next meeting date and are we sticking to Thursday's?

Ms. Kauai: Thursday's works for me.

Mr. Kahawai: Yes, Thursday's works for me too. The following week on the 10<sup>th</sup> works for me.

Ms. Kaui: I'll be on the mainland. Sorry.

Mr. Kahawai: October 17<sup>th</sup> works.

Vice Chair Crowell: The 17<sup>th</sup> works for me too.

Ms. Kaui: I should be okay for the 17<sup>th</sup>. Wednesday's is usually a bad day for me.

Chair Rainforth: I'm good for the 17<sup>th</sup>. Okay, the next meeting will be on October 17, 2019 at 9:00 a.m. in this same meeting room. Okay, we have two items of business.

Ms. Kaui: Chair, the minutes.

### **3. Approval of the March 7, 2019 Minutes**

Chair Rainforth: Is there a motion to approve or amend the minutes of the Salary Commission meeting?

Ms. Kaui: So moved.

Vice Chair Crowell: Second.

Chair Rainforth: Are there any corrections or deletions?

Mr. Kahawai: Mr. Chair, I read the minutes and I had a question on page 13. You had made a proposed change to the end of the transmittal and I read the transmittal, but I did not see the change occur. I don't know if there was a decision not to make the change.

Chair Rainforth: I don't remember. Does anybody?

Ms. Ching: If you look on the next page, there's discussion on the fluidity of the process and Chair, if you recall, we went through several revisions and that was the absolute last revision, but there were still some changes that needed to be made as we started to prepare the resolution to send over to Council. There were suggested changes by the County Attorney which in my mind it was mandated in terms of legality to form. If you look at the next page, you will see a discussion between Mr. Morimoto (who at the time was the attorney assigned to the Commission) and myself about making those changes with the Chair's consent and approval of course.

Mr. Kahawai: Okay, thank you.

Chair Rainforth: Yes, I recall that. Are there any other errors, additions or corrections? Hearing none. I need a motion to approve the minutes.

Ms. Kauai: So moved.

Vice Chair Crowell: Second.

Chair Rainforth: All those in favor of approving the minutes, please signify by saying aye. Opposed. Hearing none. The motion carries 4:0. Okay the next item is SC 2019-04.

**SC 2019-04- Discussion on establishing the maximum cap for salaries for certain County officers and employees included in Section 3-2.1 of the Kaua'i County Code for Fiscal year 2020/2021.**

Chair Rainforth: I'll open the floor up for discussion, but first, I would like to say I found it amazing that Resolution 2019-1 was not voted down. This year, we will need to decide what our focus is going to be on, and develop a strategy to try to implement those ideas. I believe that Resolution 2019-1 is in effect for some people and Ellen Ching reminded me that Mayor Kawakami is living by his pledge not to incorporate the salary increases for a period of one year, until all of his appointees have had their evaluations to determine whether or not the salary increases are appropriate.

Going back to Resolution 2019-1, I believe we started off with the old resolution which increased the salaries two percent and then we bumped it up to another five percent and it came out to be about a seven point, six percent increase for most of the positions. And because of the testimonies by the Managing Director, the Police and Fire Commissions including the Water and Department, they all told us that it was really important that their department head positions salaries needed to be increased to retain or recruit the best people for the county. So, we kind of cherry picked half a dozen or so positions and gave them almost a fifteen percent increase over the previous salaries. So, that's where we are now.

I think, the county attorney and the police chief, those positions are still under what the other counties are paying so we are not necessarily done looking at those positions salaries. We need to decide what we are going to do between now and when we decide to submit a new Resolution. Traditionally, the Resolution needs to be submitted...is it sixty days before the budget is approved?

Ms. Ching: The date is March 15. It's blazed in my memory.

Chair Rainforth: Okay, March 15<sup>th</sup>. I know that there was discussion on submitting a resolution early, but certain members of the council became frustrated when a previous resolution was presented to them when they weren't ready or they didn't want to make any decisions. But that is up for us to decide, we need to decide on a strategy and when to submit the next resolution.



Ms. Kaui: Mr. Chair, if I may, I would like to point out the on-going issue relating to the inversions with regards to the department heads and their subordinates. Not only are we behind with the state...so the inversions still exist.

Ms. Ching: Chair, if I may. When I first started in this position one of the major task I was faced with is that the duty of the Salary Commission is to produce a salary resolution and send it over to council by March 15<sup>th</sup>. But, as I went along in the process, I realized that there was another option the Salary Commission could decide on. The first option, of course, is to send a resolution to council by March 15<sup>th</sup> or the second option is you can decide not to do a resolution at all. That never occurred to me quite frankly because I was new in my position. The best word that I can use is naïve at best. So those are the two options that you have.

On this meeting in particular, I believe there are a number of things and reports that you requested so at your direction I will look through the reports that we produced the last time and in my mind, in order for you to make a decision on how you want to proceed, at the very least, we need to provide you with those reports so you have some background on what you are looking at and figure out how to proceed to make a decision. So, for the next meeting we will work on getting those reports to you. The other option that you might want to consider and I don't know if it would be too early at the next meeting, but you may want to consider requesting that the Director of Human Resource or the Acting Director of HR come to speak to you about personnel issues.

You also, had the Managing Director appear to give the Administration's perspective regarding the salaries and I want to clarify that out of the thirty-three positions in the Resolution, Mayor Kawakami only has direct authority over thirteen positions of those positions and those positions are not going to get the increases until after one year and a favorable job performance evaluation. What the Mayor did once Resolution 2019-1 was (how should say it adopted or came into effect), he communicated to all of the commissions that have direct authority over their respective department heads about his representation to the council that he would not be effecting any salary increases until one year and a favorable job performance. He asked the commissions to do the same and I can tell you some have complied with his request and some have not. One of the reports council requested is when the salaries move forward that I produce for them was over the past ten years, when the salary resolutions has passed; when did the salary increases go into effect because one of their concerns was basically, you just got elected so we don't understand why you're asking for a raise now, or effective July 1<sup>st</sup> and I thought that was an reasonable assertion or a reasonable statement or question.

Chair Rainforth: I think that it would helpful if you could provide us with a list of which positions have not received a salary increase and which positions have taken the pay increase.

As you were speaking, I recall now that something we discussed on the last resolution was we wanted to assess positions because we really didn't have the time to do so. So we kind of went carte blanche and everybody was given an increase.

I think we pledged we were going to look at each individual position to determine how it compared to other comparable positions in the other localities to help us decide which positions needed an increase and which ones may not need an increase. Do you recall that?

Vice Chair Crowell: Yes.

Ms. Kauai: I know, we looked at the Nash Study or something like the Nash Study that did salary comparisons. Ellen, before I lose my train of thought, I was thinking if we submitted another resolution we could put a provision in the resolution that the increases will not be in effect until one year of service and a satisfactory or above type of evaluation. Maybe that is something we could include in our next resolution, if we do decide to submit another resolution.

Chair Rainforth: Would you say that more than fifty percent of the positions are not receiving an increase?

Ms. Ching: I can't say that because factually, I don't have that information. I know of at least one position that got an increase on July 1<sup>st</sup> or earlier. But like I said, I do not factually have that information.

Chair Rainforth: Okay.

Ms. Ching: But I will -- you've asked for a report on who has gotten an increase...you'll get that information at the next meeting.

Chair Rainforth: Okay, thank you.

Ms. Ching: It's fine, because I can guarantee you that if a resolution is put forward council is going to ask the same question.

Chair Rainforth: Right. They're going to say people are not getting their pay increase for a whole year anyway so why are you coming in with a second one...it's like, it doesn't make sense.

Ms. Ching: Context is important as well. I believe SHOPO has completed their negotiations for police and Fire, and I believe in September, HGEA is going to start negotiations unit by unit. I believe there are three HGEA Units - Units 13, 4 and 3 so they're in the process. Also, in addition to civil service positions going through union negotiations for Kaua'i County (actually for the entire state because they negotiate together) I remember in May seeing in the news the other counties were going through their own process and the increases had gone in. So, while we were looking at a report as to what the salaries were and making recommendations before our salary resolution had processed and was completed, the salaries of the other department heads in the other counties had already increased.



So, for me it's a moving target because within the context of what's happening with the other counties, as far as union negotiations it doesn't stay stagnant.

Chair Rainforth: Right. I was thinking the same that things have changed since Resolution 2019-1 was adopted.

Ms. Ching: Yes.

Vice Chair Crowell: But even after having said all of that, I'm not sure if we should stay stagnant just because the Mayor chose not to give any salary increases for a year. I think, the message we need to send across the street is that the Salary Commission's duty and responsibility is to set the maximum salary caps. You know, the Mayor doesn't have to give the maximum and the commissions don't have to give the maximum, but I think if it's due them and we feel that we want to keep up with the rest of the state and don't want to fall behind in years and be ten or twenty percent behind the rest of the state. Quite frankly, I think this is a good time to show that what we're coming in with, is what we feel is the maximum. You know, the appointing authorities does not have to give the maximum, but our job as the Salary Commission is to provide the maximum salary cap that we feel is equivalent or comparable to the rest of the state, if that is the direct we want to take. That's all I'm saying.

Chair Rainforth: I favor your theory that the Salary Commission needs to continue with providing salaries that we think is adequate for the best performing positions. And you're right, the maximum salary raises that we are submitting, the appointing authorities does not need to award all of it. So, we need to continue on that same path and we will need more information in order to start to evaluate positions to determine what we think they should making.

Okay, so I think we are formulating our strategy and we need to talk about a schedule. Can we discuss when we need to submit a new resolution? A couple of councilmembers were very clear that they didn't like it being presented in March during the budget review process.

I remember Bob saying that's when it should be submitted, but then others were saying it should be submitted as early as in the beginning of the year. Are there any comments on when we should...we really need to set a target date so we can provide a schedule and have our resolution completed in time, so we don't have to meet every single week to get something out on crunch time. So, are there any ideas or comments on whether we should stick with the March 15<sup>th</sup> date or some other time period?

Ms. Kau: Chair, as a person who have to do budgets, I think it would be great just as a courtesy to our resolution to council at the end of January 2020 so they will have 45 days to look at the resolution and include it into the budget. It may be shot down, but I think if we could get it to council a little earlier as a courtesy so they are not blindsided at the eleventh hour. And maybe we can have some dialogue with council to see where they want to go with that. That's my recommendation.

Chair Rainforth: Okay.

Vice Chair Crowell: If I remember there was a problem, but I would have to look it up. It was a problem because we submitted our resolution too early; well maybe it wasn't a problem.

What happened is we submitted a resolution early, and correct me if I'm wrong county attorney, but I think council has to take action once we submit a resolution. They have an x-amount of days to take action, and if they didn't take action we are allowed to go back and submit another resolution. I believe that's what happened, but like I said, I can't recall. But if we were to submit a resolution too early, I don't think that would be good either. I think there was a problem.

Ms. Ching: Commissioner Crowell is correct. I would have to go back into history, but my understanding is the Salary Commission did put forth a resolution early and based on the feedback it didn't move forward, but it was early enough that a second resolution was put forth.

Here is what I noticed when it comes to resolutions, one of the things the past resolution tried to accommodate was a request made by a certain councilmember that the commission submit their resolution in two separate sections. And what I found is because of the nature of this commission to accommodate requests those type of request and feedback people didn't remember. So, while the commission was trying to accommodate council's request be it six months or a year earlier that request was forgotten and the commissioners were criticized for submitting that particular resolution in two sections, and I remember the commissioners saying "hey, you guys asked for it."

It's about the commissioners trying to figure out what somebody is thinking and what they would want. I think we can send a memo; you can direct me to send a memo saying when would you like this submitted or you can also direct me – it can be a little more settle or I can talk to the county clerk and ask them if a resolution is going to be submitted to council next year when would you want that to hit council. March 15<sup>th</sup> or earlier. I think given the feedback because Commissioner Crowell is correct that (to my understanding) when that particular resolution was submitted earlier that was in response to discussions by councilmembers as to why are we getting this resolution so late. So, the commission submitted a resolution early and got criticized for submitting it to early. It's sort of like you're damned if you do and your damned if you don't. So my recommendation would be let's confirm what people are thinking in terms of what they want. I wouldn't necessarily depend on what the comments were six months ago because people forget and circumstances change.

Chair Rainforth: I like the idea of you talking to the county clerk to get a feel. I also like the idea of submitting early because you can a second chance if they reject it outright to try to address concerns in a second resolution. So, I like that. Do we need a motion to ask Ellen to talk to the county clerk on that or...

Ms. Ching: I can go ahead and do that so let's wait see. I will also ask once she talks to Council Chair and the Councilmembers their response will determine how you may want to move forward or how you entertain what their response is.

Chair Rainforth: Okay, so the commission will wait until our next meeting and hopefully Ellen will get some feedback so we can set a schedule at our October 17<sup>th</sup> meeting. I think we pretty much got our strategy together. Is there any other issues we should talk about according to this business item or should we move on?

Mr. Kahawai: I have a question Chair. Is there a process in place when we set the resolution for the maximum salaries? Is there a process in place where a department head or commission ask can we do a one-time adjustment outside of the normal approved salary? Is there a process in place to do an exception to increase the salary?

Chair Rainforth: Your question is, is it possible for the Mayor to do a one-time salary increase for someone who is outside of the salary resolution?

Mr. Kahawai: Correct.

Chair Rainforth: I don't think so. I don't know. It didn't seem like it would be possible in government.

Ms. Ching: I'm not sure if I understand the question. Is this for positions that are outside of...not covered by the salary resolution or positions covered in the salary resolution?

Mr. Kahawai: For example, a position covered by the resolution. If there's a candidate that a commission would like to hire but it's beyond the salary that we have recommended in the resolution. Is there a process in place for that commission to say...?

Ms. Ching: Hypothetically, if the Salary Commission wanted to say we want as part of the resolution to include clauses to say this will also include bonuses etcetera. Because you have positions (police) that get uniform allowance, gun allowance, car allowance and cellphone allowance. I don't know, good performance allowance. If you wanted to put something in I believe you could, but we do need to refer to our deputy county attorney on that specific issue and see what he comes back with. But my understanding is that you can.

Mr. Michaels: I'll do some legal research on that.

Chair Rainforth: It sounds risky.

Ms. Ching: It sounds risky and to put nicely you will poke the beehive.

Chair Rainforth: To be clean, I think it would be the Mayor or the Salary Commission submitting a one-time request to the council and just let the council approve or disapprove

because they control the money and no one will get into trouble no matter which way they vote. I think it's possible.

Ms. Ching: Yes.

Chair Rainforth: But trying to put perks in the salary resolution is kind of...

Ms. Ching: One of the issues that came up when doing the salary resolution was that (and I feel that we should insert it into the new salary resolution to make it clear) the resolution did not include allowances. Which I think it should because otherwise, when it hits Human Resources... You know, there was administration in place for 10 years plus and there were practices in place, but now there is a new administration so the question is, does the salary resolution need to cover those allowances that were given for those past x-amount of years.

Does the resolution need to cover cellphone and car allowances for the councilmembers? I mean from an accounting perspective is that part of the salary or not because it wasn't covered in the salary resolution. There was some heated discussion as to whether they can have that moving forward. Typically, I will tell you from my understanding when unions are negotiating there are negotiating those things in addition to the salaries and like police, I believe there is an allowance for good behavior.

In the second paragraph of Salary Resolution 2013 it says, the Commission finds it appropriate for the Police Chief and Deputy Police Chief to receive the same subsidize vehicle allowance as their bargaining unit employees provided the subsidy is appropriated in the county's budget. It's stuff like that that we didn't necessarily have in Resolution 2019-1 so that's why it became a point of discussion.

Chair Rainforth: I believe that would be important for the Salary Commission is to know which positions are receiving a county paid cellphone; not necessarily a car allowance but those who are allowed to take a county vehicle home.

Ms. Ching: So you all know that Salary Resolution 2019-1 council did not vote on it but they had to act on it in sixty days and if they didn't then it would be adopted. So, the discussion and debate about those allowances settled out because the discussion was if you're not going to continue the practice that happened in the past, then that means moving forward councilmembers would lose their cellphone and car allowances.

Ms. Kau: Maybe in the resolution, we can make it clear that this only pertains to base salary.

Ms. Ching: Yes.

Chair Rainforth: Can you repeat that?

Ms. Kau: That we can make it clear in the resolution that the salaries proposed is base salary only and it does not include extras they have within their positions.

Chair Rainforth: If we do that then council would simply have to look at the individual department's budget to see their expenses right? Okay, are there any other comments before we move on? Okay, so this is a continuing item that we are going to talk about at our October 17<sup>th</sup> meeting. The second item of business is SC 2019-05.

**SC 2019-05 Communication dated July 3, 2019 from Jan TenBruggencate, Vice Chair, Charter Review Commission to Kenneth Rainforth, Chair, Salary Commission requesting proposals to amend the Charter.**

Chair Rainforth: I don't have a copy of the letter. Is this something that the Charter Review Commission sends out every year to all of the departments and all of the commissions asking for input or proposals?

Vice Chair Crowell: Chair, the letter is on the last page of the meeting packet.

Ms. Ching: It's on the last page.

Chair Rainforth: Thank you.

Ms. Ching: We're very efficient here. So, again, I apologize for my lack of experience, but I do not know. However, Jan, as the Chair directed us to issue an invitation to all commissions to solicit any proposals that they care to move forward to the Charter Commission and in turn they also invited council and the administration and the administration in turn issued an invitation to all of the department heads that if they wanted to propose charter amendments that they should be forwarding that to the Charter Commission. It was quite a wide net that they casted this time regarding charter proposals. I will tell you one of the charter proposals that I am hearing about is following the lead of the other county salary commissions to decide on the department head salaries.

Chair Rainforth: There was a proposed amendment to the charter at the last election that dealt with the object of the proposal you were talking?

Ms. Ching: Yes.

Chair Rainforth: Do you remember how badly that proposal was defeated? Does anybody?

Ms. Ching: Out of all of the charter amendments from the last ballot two passed; one was for open space and the other was housekeeping to remove the public defender from the county charter because that is a state function. I can get you that information, I just don't have it at the top of my head.

Chair Rainforth: You mentioned that other jurisdictions have adopted something like this?

Ms. Ching: Yes, because I had to do some research if you were going to move that proposal forward, what the other counties are doing on that. I can give you that if you're interested.

Chair Rainforth: Interesting. Okay, but that seems more authority than I figure this commission could have.

Ms. Ching: Everybody is going to be your best friend. How to win friends and influence people.

Chair Rainforth: What kind of control are you aware about this? There some be some kind of limits because basically, the administration runs the government but the council provides the monies. How is the council cut out of this process completely? It's something that I can't imagine because council has always control the purse strings.

Ms. Ching: You know, I find it really interesting that the Mayor as far as department heads has the least amount of authority to appoint department heads, and that's why out of the thirty positions, he only has authority over thirteen. So, in essence, the electorate has given the authority to citizen commissions or boards over those department heads which is in some ways similar to what the Salary Commission does because they (appointing authorities) can't just pick a number out of the hat it's the Salary Commission that sets the maximum salary caps.

So they (appointing authority) have a limitation in which to play with; however, within that limitation, they still have broad authority over job evaluations and on-going supervision for that department head and have the ability set the salaries at the cap or an amount lower than the cap. So, in some ways there is precedence already in giving the appointing authority significant authority over certain boards and commissions.

Chair Rainforth: I think that there are two possibilities for us to discuss as far as charter amendments. One would be, right now the charter states we propose maximum salary caps and to what Ellen was saying is that other jurisdictions are simply setting the salaries; not the maximum salaries, just the salaries period. So, that is something we can discuss if we feel it's important to propose that to the electorate to change. And the other one is what was proposed at the last election cycle which had the Salary Commission submitting its traditional resolution...but.

Ms. Ching: Chair, the concept is basically, the Salary Commission will have the authority to set the salaries. Whether the salary is minimum or maximum it would be that exact specific salary amount. I think, the question on whether these proposals or amendments is giving the Salary Commission the authority to have the final say in setting salaries, is the crux of the question or the idea.

Chair Rainforth: Are there any comments on what we should do with this invitation? Let's all think about it and at the next meeting we can discuss it again. Is that alright?

Vice Chair Crowell: Yes.

Mr. Michaels: Ellen, is there a deadline for the commission to respond to Jan?

Ms. Ching: There isn't a specific deadline, but I would request that the Salary Commission decide if they want to propose something to the Charter Review Commission....you may be aware that the next election is going to be by mail ballot and what I'm hearing is, the schedule that they adhered to in the past is that all charter amendments needed to be forwarded to elections by May, but this time it would be pushed up earlier. So, I'm trying to get the Charter Review Commission to finish getting all of the proposals by the end of October so that they can go into deliberations.

Chair Rainforth: Okay, our meeting is on the 17<sup>th</sup>.

Ms. Kauai: Question. Ellen, you know on the Charter Commission does everything go to vote or just proposed?

Ms. Ching: All proposals that are directed specifically to the Charter Commission...what other commissions have done is they would like the Charter Commission to consider a proposal to give the authority to the Salary Commission to set (you know) salaries. So, when they get that proposal they will put it on a list of all of the proposals they get and review each proposal one-by-one, then ultimately they will decide what proposals they feel they want on the ballot. And then they would ask they county attorney to draft those charter amendments and prepare those to go over to council.

Ms. Kauai: For instance if there was a change in a job qualification would that go through the Charter Commission also?

Ms. Ching: For instance, one of the proposal's that the Police Commission is forwarding and asking for a charter amendment is to require a four-year degree for police chief. So that is a proposal that is moving forward.

Ms. Kauai: And that proposal would ultimately go to the people to vote?

Ms. Ching: That's if the Charter Commission decides that they are going to move that forward.

Ms. Kauai: Okay.

Ms. Ching: The only changes in job qualifications that would be a charter amendment would be the ones that are listed in the charter like fire, police and human resource. Generally, all of those department heads positions are looking at five years of experience and three years in a higher administrative experience. The qualifications itself are pretty broad and depending on the commission, some commissions are wanting to up that and others are saying we want it broad so that we have the broadest number of applicants because that seems to be a real problem in this county getting good applicants. So it really depends on the commissions and what their thoughts

are. I think unusually, we have three commissions that are hiring; police hired, but we're still have fire and civil service that are activating going through the hiring process. So, they are experiencing the challenges directly.

Ms. Kauai: Thank you.

Vice Chair Crowell: So, Ellen, in the last election, the proposal on a charter amendment was it related to the Salary Commission having the final say in the salaries?

Ms. Ching: I'm not sure if it was the last election, but I know for a fact that that charter amendment did go on the ballot, but I'm not sure if it was the last election.

Vice Chair Crowell: Right, I just can't remember, but it was voted down already right?

Ms. Ching: Yes.

Vice Chair Crowell: Okay.

Chair Rainforth: Typically, the electorate's distrust in the administration wants council to be the watch dog for their tax dollars so, I can understand why it was defeated. I don't know what kind of campaign the Salary Commission could have to try to convince the electorate that this is good. I don't think it would work period, I mean it's like trying to push a boulder uphill thinking something is going to happen.

Vice Chair Crowell: I would like to see how it became law in the other counties. I'm not sure, but I know it has because it's either the Big Island or Maui, I believe.

Ms. Ching: Yes.

Chair Rainforth: it could be the Big Island because I remember when everyone got that big pay increase? It might have happened after that. Okay, is there any other business?

Ms. Ching and Vice Chair Crowell: Nope.

## ADJOURNMENT

Chair Rainforth: We're not having an executive session. Is there a motion to adjourn?

Vice Chair Crowell: So moved.

Ms. Kauai: Second.

Chair Rainforth: It's been moved and seconded to adjourn the meeting. All those in favor, please signify by saying aye. Opposed. Hearing none. This meeting is closed.



**On a motion made by Vice Chair Crowell and seconded by Ms. Kaii, the meeting adjourned 9:59 a.m.**

Respectfully Submitted by:

\_\_\_\_\_  
Mercedes Omo, Support Clerk

Approved by:

\_\_\_\_\_  
Kenneth Rainforth, Chair

Approved as circulated on:

Approved as amended on:

DRAFT



**OFFICE OF BOARDS & COMMISSIONS  
THE COUNTY OF KAUAI**

**DEREK S. K. KAWAKAMI, MAYOR  
MICHAEL A. DAHLIG, MANAGING DIRECTOR**

**ELLEN CHING  
ADMINISTRATOR**

July 3, 2019

**JUL 3 - 2019**

**Chair Kenneth Rainforth  
Salary Commission  
c/o Boards and Commissions  
4444 Rice St., Ste. 150  
Lihue, Hawaii 96766**

**RE: Requesting any proposals to amend the Charter**

**Dear Chair Rainforth and Members of the Salary Commission:**

**You are invited to present any proposals you may have on any Charter amendments you would like the Charter Commission to consider.**

**Should you want to propose any amendments, please provide a brief background on the issue and how the amendment will address or solve the issue.**

**Should you have any questions, please feel free to contact, Ellen Ching at [eching@kauai.gov](mailto:eching@kauai.gov) or at 241-4922.**

**Sincerely,**

  
**Jan TenBruggencate, Vice Chair  
Charter Review Commission**