

Kenneth Rainforth  
Chair

Members:  
Trinette Kauai  
Leland Kahawai

Robert Crowell  
Vice Chair

**COUNTY OF KAUA'I SALARY COMMISSION  
NOTICE OF MEETING AND AGENDA**

Thursday, November 21, 2019

9:00 a.m. or shortly thereafter

Mo`ikeha Building, Meeting Room 2 A/B  
4444 Rice Street, Līhu'e, HI 96766

**CALL TO ORDER**

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

- Next scheduled meeting: 9:00 a.m. on Thursday, December 4, 2019 at the Mō'ikeha Building, Meeting Room 2A/2B.

**APPROVAL OF MINUTES**

- Open Session Minutes of November 6, 2019

**COMMUNICATION**

- Communication dated November 6, 2019 from Chair Kenneth Rainforth to Chair TenBruggencate, Charter Review Commission regarding a proposal to amend the Charter to grant the Salary Commission the sole authority to review and compensate all county elected officials and appointed directors and their deputy directors.

**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. (On-going)

**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.

Kenneth Rainforth  
Chair



Members:  
Leland Kahawai  
Trinette Kau

Robert Crowell  
Vice Chair

County of Kauai Salary Commission  
Office of Boards and Commissions  
4444 Rice Street, Suite 150  
Lihu'e, Hawai'i 96766

### MEMORANDUM

November 6, 2019

To: Jan TenBruggencate, Chair, Charter Review Commission

From: Kenneth Rainforth, Chair, Salary Commission

Via: Ellen Ching, Administrator, Office of Boards and Commissions

Re: **Proposed Amendment to the Kaua'i County Charter**

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At its meeting on November 6, 2019 the Commissioners voted unanimously to introduce a charter amendment that would grant the Kaua'i Salary Commission the sole authority to "review and compensate all county elected officials and appointed directors and their deputy directors so that their total salaries and benefits have reasonable relationship to compensation in the public and private sectors."

If approved, this amendment would shed light on the decision-making process used to determine the salaries of officials covered by the Salary Commission.

In addition, I have been selected by the Salary Commission to speak on their behalf and represent their views at the next Charter Review Commission meeting on Monday, November 25, 2019.

Mahalo for your consideration to this proposal.

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

MINUTES OF THE COMMISSION'S:

November 6, 2019 MEETING

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1. **ATTENDANCE**

Commissioners present at the meeting: Kenneth Rainforth Chair; Robert Crowell Vice Chair; Trinetta Kauai and Leland Kahawai.

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

Commission Attorney Present: N/A

**CALL TO ORDER**

Chair Rainforth: Good morning, the November 6, 2019 meeting of the Salary Commission is now called to order.

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

Chair Rainforth: The next scheduled meeting would be on December 5, 2019. Are there any conflicts?

Ms. Kauai: I will be on O'ahu that day. Sorry.

Chair Rainforth: Are there any other suggestions?

Ms. Omo: Is Wednesday, December 4<sup>th</sup> okay?

Ms. Kauai: I'll be here.

Mr. Kahawai: I'll be here as well.

Mr. Crowell: I'm available.

Chair Rainforth: Me too. Okay, the next meeting will be on Wednesday, December 4, 2019 at 9:00 a.m. in this meeting room.

### **3. Approval of Minutes of the September 5, 2019 Meeting**

Chair Rainforth: Are there any changes to the meeting minutes? If not, can I have motion to approve the minutes?

Ms. Kauai: So moved.

Mr. Kahawai: Second.

Chair Rainforth: All those in favor of the motion to approve the minutes, please signify by saying aye. Opposed? Motion carried.

**On a motion made by Ms. Kauai and seconded by Mr. Kahawai the meeting minutes of February 28, 2019 was approved as circulated.**

#### **BUSINESS**

SC 2019-04 Discussion and decision-making on submitting a salary resolution to establish 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: Connected to that is a communication we received from Deputy County Attorney Andrew Michaels dated October 31, 2019 where he had some comments regarding the definition of salary. I've reviewed it and I concur – I never thought of per diem type of expenses as being part of someone's salary. I know that the IRS (Internal Revenue Service) doesn't think of that as income to an individual. Likewise if you rented a car off island or pay for air travel or stay at a hotel none of those things are considered income by the IRS so, I never thought of them as being part of salary for an elected official or an appointed official.

Are there any comments on Mr. Michael's letter? Do we need a motion to receive the letter for the record?

Ms. Kauai: Ellen, do we need to take action on that?

Ms. Ching: No.

Chair Rainforth: Just received it. All those on favor of receiving the letter for the record say aye.

Ms. Kauai: So moved.

Mr. Kahawai: Second.

Chair Rainforth: All those in favor of receiving the letter for the record, please signify by saying aye. Opposed? Motion carried.

**On a motion made by Ms. Kauai and seconded by Mr. Kahawai to receive the communication dated October 31, 2019 carried 4:0.**

Chair Rainforth: Okay, back to the main order of business to establish the maximum salary caps. I talked with Ellen to see if she contacted council to see if they had a preference of when we should submit a new resolution, if we do decide to submit one. I was told that they would like to have the resolution in January.

Ms. Ching: Chair, there are a bunch of things that I have so I kind of want to give an overview to the Commissioners. First, is I did contact council services and had a discussion with them about submitting a new resolution. If you recall last year, there was feedback from the councilmembers about wanting to have the salary resolution earlier. Looking back at what happened over the years, I think that it's problematic for this Commission because the composition of the council changes every couple of years and as new members come on to the council each member have different feelings as to when they would like to see the salary resolution.

However, they did indicate that if a salary resolution was going to be put forth, council would prefer to have it as early as January. When I think about it, it makes good sense in that if we did it like last year on March 15<sup>th</sup> it rolled into April and May which considering it will be an election year could become problematic for people. So I can understand what the wish is going to be if a salary resolution was to be presented early next year.

The other thing that I briefed Chair Rainforth about is everyone is over at council this morning because there are a lot of important things on the agenda, but we can certainly have the HR Department present at the next meeting. HR is in the middle of finalizing union contracts and is in agreement with two HGEA's units. HGEA has the largest representation of government employees for the County of Kaua'i and they (HR) are in negotiations with the firefighters union, UPW and a number of other unions. But what it's coming back in general is over a two year span there's going to be about a 66.5 percent increase and some of the contracts will be finalized so you all will be able to get more details on that.

If you look at the handouts that were distributed to you at the last meeting, I believe when talking with Chair Rainforth this morning because Salary Resolution 2019-1 was successful it's pretty interesting to see that our positions are within the ballpark of those other positions. Look at the Director Parks, we're actually above Maui and Big Island counties which is pretty amazing considering we're normally lagging behind the counties. So good job people, at least we're in the ballpark and the gap isn't so wide.

Chair Rainforth: Thank you Ellen. Just to confirm, the union negotiations there's going to be a 6.5 percent increase?

Ms. Ching: No, it's going to be in the area of a 66.5 percent increase over a span of two years so it looks like it's going to be a 3 percent increase per year, including bonuses because some unions are negotiating bonuses. Some of the strategies the unions might using is base rate, for instance, there is a two percent increase but then there could be a bonus or some kind of an allowances attached to it, so if you take that into consideration all of those things in general rounds up to a 66.5 percent increase which is what I'm hearing from HR.

Chair Rainforth: Something I think would help all of us with our deliberations is when I was reviewing the documents a few weeks ago I was thinking that it would be really helpful for me to understand what size of the various counties and state department heads and elected officials budgets are and the amount of the staff they have. So we could use that in comparison to the other various counties, which I think would make a difference because I suspect Kaua'i has the smallest budget and the least amount of staff members. So by getting the information it could help us to justify Kaua'i salaries - maybe five to ten percent less or it could go the other way that Kaua'i salaries need to be increased because they have the same responsibilities but fewer staff. So, without that information I find it very hard to just rely on the numbers.

I know the last time we prepared a resolution and submitted it we didn't have time for that and it looks like we're not going to have a whole lot of time either because we'll only have two months or two and half months to prepare something and submit it. Do you think that is something we could get?

Ms. Ching: I'll check with HR to see if we could get the comparisons of each individual department size. I don't think it would be too hard to get and I don't think it would be too hard to get the budget size of each individual departments. That should be pretty simple. I know from the HR perspective, the first question they're going to ask me is when you talk about staff size are you talking about warms bodies or are you talking about positions? Because there are departments that have a lot of positions that are vacant so that does make a difference.

The one department on Kaua'i that I think there is a disconnect is Public Works because if you look at the comparisons and you look at Public Works you'll see that the City and County of Honolulu there is no Public Works, they have what they call a Design Construction Facilities Maintenance and they have an environmental services similar to what the Big Island and Maui counties has. So the disconnect is Public Works has a solid waste and waste management which in the other counties is called environmental services. If you recall, Lyle Tabata basically said that the scope of work is much broader on Kaua'i and that Kaua'i County is the only county that hasn't split off its environmental services, but on the other hand, Mr. Tabata also said that he felt that it made things more cohesive because people weren't in silos because it's all under one department and it operated and functioned better. So that's quite a broad scope for a department especially when comparing it to the other counties where they have split off environmental services. You know last year, there was a lot of discussion about the County Engineer and how long that positon has been vacant and how difficult it is to fill the position, so we still don't have a County Engineer and we're still at a challenge to fill that position even with the salary increase and certainly that department's broader scope.

Chair Rainforth: Thank you. What I would like to see is the total amount of staff and full-time equivalence in terms of existing staff and positions. I think we would want to see both. It might be helpful to see which departments are under manned along with their dollar budget size. As far as your comments about how different our Public Works Department is, I think that it deserves a lot foot note to explain that, so we could look at that closely. Do you think we could get something like that?

Ms. Ching: I'll see what we can do. Like I said, I believe it shouldn't be too difficult to get department budgets and I will talk with HR about getting the comparisons between the existing positions and the warm bodies; those statistics per department.

Chair Rainforth: Thank you. Are there any comments about where we're going?

Mr. Crowell: I think that's good information even if we work on it throughout the year. I think its good information to have.

Mr. Kahawai: Yes.

Mr. Crowell: Ellen, I have a question and this goes back to the salary increases. Relative to the Mayor, of the positions that he has authority over is he still waiting for the end of the year and the results of the job performance to give the salary increases?

Ms. Ching: He has held off from giving the salary increases and he is currently in the process of conducting job performance evaluations.

Mr. Crowell: Okay, what about the Commissions? Like Fire, Police and Planning. Did they give their respective Department Heads the increases?

Ms. Ching: Some did and some did not. I believe the Water Board did and I believe...

Mr. Crowell: Police must have.

Ms. Ching: No.

Mr. Crowell: Really.

Ms. Kauai: What about Housing? It looks like Housing went up.

Chair Rainforth: I think I figured out which of the thirteen or fourteen positions the Mayor is controlling. I put little red dots next to it which was helpful for me. Why don't we go through the list, so we can all have the same information?

Ms. Kauai: Yes, we could put red dots next to the positions. I have a question, what is the significance of the positions that are highlighted in yellow?



Ms. Ching: I don't know.

Ms. Kauai: Okay.

Chair Rainforth: I think it means they didn't take the full salary increase. Most of them are zero and some positions show there was an increase which I think is because it's a new hire.

Ms. Ching: The highlighted positions are the ones that were affected by Salary Resolution 2019-1 or the prior Salary Resolution for Council. Ms. Rapozo also noted in her email that the Big Island Salary Commission is still working on possible raises, and if anything the increases would be effective January 1, 2020.

Ms. Kauai: Okay.

Ms. Ching: In looking at the highlighted positions the easy way to tell if the people are at their maximum is to see if there is a zero in the difference. When it comes to the councilmembers the increases reflected in Salary Resolution 2019-1 doesn't become in effect until a new council is elected. So even if it showing zero it reflects the 2017 Salary Resolution. So, the people who took the increase or got the increase was the Deputy County attorney and the Prosecuting Attorney, but the Prosecuting Attorney is not under the Mayor's jurisdiction.

Ms. Kauai: Chair, do you want to over your list of reds dots?

Chair Rainforth: I need to confirm it with Ellen, but we can do it all together.

Ms. Ching: Sure.

Chair Rainforth: Okay, I think that the County Attorney's salary is controlled by the Mayor.

Ms. Ching: Yes.

Chair Rainforth: So, let's skip all the way down to the Director of Finance, Deputy Director of Finance. Skip Fire, then put a dot by Housing, HR and Liquor...

Ms. Ching: HR and Liquor is a no. HR is under the Civil Service Commission and Liquor is under the Liquor Control Commission.

Chair Rainforth: The Managing Director is under the Mayor.

Ms. Ching: Yes.

Chair Rainforth: Ellen (Boards and Commissions) is under the Mayor, OED, the Parks Director and the Deputy, then down at the bottom Public Works and the County Engineer and the Deputy County Engineer. Are there any others that I missed?

Ms. Ching: Nope.

Ms. Kauai: So there are thirteen positions that are under the Mayor.

Chair Rainforth: Would you guess that the Mayor may be ready to award the salary increases in January 2020?

Ms. Ching: I believe that based on the current timeline of conducting the JPR's that they would be looking at giving increases or any range of increases effective on December 1, 2019. I would say.

Chair Rainforth: Okay.

Mr. Crowell: But it may not be at the maximum.

Ms. Ching: Correct.

Ms. Kauai: Mister Chair, can I just say something? I know that I spoke about this before and it might be a tedious process but what Ellen was talking about the unions giving bonuses that might be something we might want to look at. I know it's going to take a lot of effort and you probably are going to need some expert advice. Basically, the base salaries would remain the same and the bonus is extra if they meet a certain matrix or key performance indicators then they would get an extra ten or fifteen percent increase to their base salary or whatever the case may be. But that to effect the salaries would remain lower and we would not be stuck with the base salary going forward. I mean, that's something we could look at. I know that the timing is short.

Chair Rainforth: So what you're saying is, we wouldn't know what the schedules are going to be like and whether or not they get a bonus.

Ms. Kauai: No, what I'm saying is going forward...say the Housing Director's maximum salary cap is \$123,000 but going forward instead of giving them a five or ten percent increase we can say if they meet these key performance indicators like opening up a new development at 'Ele'ele or if they did the planning or permits or whatever the case may be they would get a bonus between ten or fifteen percent of their base salary. But I guess that would have to come from the Mayor or their authority appointing, but it might be complicated so...

Ms. Ching: There are a couple of things that you may want to consider and one is the union's approach on increasing salaries without increasing salaries by the way of allowances. It's a one-time across the board allowance which is what the Kaua'i Police Department is doing by the way of a standard of conduct allowance. The interesting thing about it and I'm learning a lot about a lot of different things...the interesting thing about the standard of conduct allowance is it means that a police officer has to adhere to an appropriate standard of conduct twenty-four hours/ seven days a week.

So hypothetically, I don't know what would meet the lines of an inappropriate conduct, but a criminal conviction would disallow anyone from receiving their standard of conduct allowance.

I'm not sure if you would be up for some kind of disciplinary action that might affect your pay, but that's one way they have used to increase salaries without attaching it to the base salary. The other one is and the Mayor just spoke about this to the Civil Service Commission is wanting to have the ability to recognize the employees who are doing good work and who is going above and beyond their normal duties and meeting their objectives.

Chair Rainforth: Is he talking about the line employees or is he talking about his appointees?

Ms. Ching: He is talking about both.

Chair Rainforth: It's kind of an unusual approach for a new for government right? In a way.

Ms. Ching: Given the Mayor's perspective coming from the private sector giving bonuses to people for completing projects on time or ahead of time or staying under budget is a good motivator to recognize or reward staff. I know because coming from a non-profit perspective myself we did that as well. So, I think that is something, the Mayor would like to do because that is something he is familiar with and he certainly would like the flexibility to be able to do that in the government sector.

Chair Rainforth: I have a technical question. In order for the Mayor to do that wouldn't he have to include it in his budget as a line item to be able to award those bonuses?

Ms. Ching: We probably need the County Attorney to answer that. But I have seen in a previous resolution allowances are basically part of a person's salary so it's enabling legislation to pay whatever allowances are in place. I'll give you a good example, in the past resolutions there was wording in the resolution to cover that because some positions were already receiving cellphone allowances and KPD officers were receiving gun and uniform allowances. So the wording was specifically stated in a prior resolution but there was a question from payroll on whether they could get those allowances if it wasn't specifically stated in the salary resolution. So to fix it, a prior resolution was passed that enabled those allowances to continue to happen. I believe, particularly for councilmembers they are given car and cellphone allowances. So these different positions have different allowances already.

Mr. Crowell: But at that time wasn't that resolution to clarify that type of allowances and was not considered as part of the salaries itself and that whatever salary they had they would continue to have.

Ms. Ching: Exactly.

Mr. Crowell: The question I have is can we set something up like that? In other words can we the Salary Commission (by Charter) recommend bonuses and allowances?

Ms. Kauai: Good question.

Ms. Ching: We would have to ask the County Attorney.

Mr. Crowell: I've been on this Commission for quite a while and I don't know if it ever came up. I don't recall it coming up.

Ms. Ching: Mercy, do you recall if any allowances were given via the Salary Commission?

Ms. Omo: No, I don't recall either.

Ms. Ching: There's nothing like asking.

Mr. Crowell: Right.

Ms. Ching: Do you want us to ask the County Attorney that question?

Ms. Kauai: Yes, because that might be another alternative.

Ms. Ching: Yes. The other thing that has come up is with the past Salary Commissions and our timeline might be short, but another possibility is to recommend stipulated increases over multiple years.

Mr. Crowell: Right.

Ms. Kauai: Yes, we've done that before.

Ms. Ching: Yes.

Ms. Kauai: Right, and I think that the previous Salary Commission was looking at budgetary purposes for the County.

Ms. Omo: Yes.

Mr. Crowell: But there was one time when the economy went down and all of the salaries were frozen and we had to play catch-up.

Ms. Kauai: If we did the multiple years again, we could put in a caveat that the Salary Commission reserves the right to...

Ms. Ching: So my understanding is there are projecting a deficient next year. That's another thing.

Chair Rainforth: Could you repeat that? They're projecting a deficient?

Ms. Ching: Yes. So, I think at the next meeting it would be helpful to have the Director of Finance present and certainly HR to do presentations.

Chair Rainforth: Interesting.

Mr. Kahawai: Yeah.

Chair Rainforth: Do you know why they are projecting a deficient?

Ms. Ching: I do not know why. There was a staff meeting on Monday and I was out sick for a couple of days with the stomach flu, but if I was going to guess it's because of real property revenues affected by the flood. If I was going to take a guess.

Chair Rainforth: Isn't that a burden on council shoulders? The Administrative submits its request for an operating budget and the council needs to find the monies to pay for it or clip the budget.

Ms. Ching: I think the danger in that is and it's total conjecture on my part, but I think that the Administration wants to take that projected deficient into account when they present their budget to council because they're the ones who have to make executive and administrative decisions on where they believe the need is amongst all of the department's versus turning in a budget just to have council cut it where they believe should be cut.

Chair Rainforth: I agree.

Mr. Crowell: That might make our job a little easier.

Ms. Ching: I'm just trying to present to you little things that would certainly impact your decisions.

Ms. Kauai: Is the County on a calendar year?

Ms. Ching: No, the County is on a fiscal year.

Ms. Kauai: I cannot remember, but do we usually have a recap at the end to see how the County did for the year...quarterly updates. Like budget versus actuals.

Ms. Ching: There is a CAFR that comes out in December.

Mr. Crowell: Yes, that's the one.

Ms. Ching: But the CAFR goes by the past year. It's not going to be a year-to-date projection.

Ms. Kauai: Right, it's just going to reflect actuals on what happen. But it will be good to know.

Ms. Ching: Yes, absolutely.

Ms. Kauai: If they're looking at a deficient it wouldn't be wise for us go in for another increase.

Mr. Kahawai: Yeah.

Chair Rainforth: Should we talk about a schedule for a meeting (s) between now and sometime in January? I think it would be good for me to have some idea that we could schedule more meetings. I don't know how many more meetings we would need because we will need more information to make educated decisions.

Ms. Omo: Does the Commissioners want to meet again in November?

Chair Rainforth: I think so, we would need to have at least two more meetings per month.

Mr. Kahawai: But it all depends on the information we get and hopefully we can get the information we are requesting.

Ms. Kauai: Right.

Ms. Ching: At the very least, I'm going to be asking Acting HR Director Janine Rapozo and Jill Niitani to come to the meeting to brief you on the union contracts and percentages and I will also ask Director of Finance Reiko Matsuyama to be present at the next meeting to give you an overall parameter or perspective of where the union contracts are and the fiscal perspective of where the County is. So, hopefully they will all be available to come to the Commission's meeting. I will also work to see how fast we get the information on the departments' size and budget and personal size for sure, but depending on when you decide to have your next meeting, I don't know if I will be able to have the information by that time. The other thing that I wanted to mention is we are going to be moving our entire office, so if possible we would prefer not to meet in the last two weeks of December because we will not be functional.

Chair Rainforth: The last two weeks in December?

Ms. Ching: Yes.

Chair Rainforth: Could I suggest that we look perhaps at the last two weeks in November and the second week in December?

Ms. Kauai: The last two weeks in November is Thanksgiving which is a short week.

Chair Rainforth: That's right.

Mr. Kahawai: How about November 20<sup>th</sup>?

Ms. Kauai: Yes, the 20<sup>th</sup> works for me.

Mr. Crowell: The 20<sup>th</sup> is a bad day for me.

Ms. Omo: How about November 21<sup>st</sup> at 9:00 a.m.?

Chair Rainforth: The 21<sup>st</sup> is good for me.

Ms. Kauai: Me too.

Mr. Kahawai: Me too.

Mr. Crowell: I'm good.

Ms. Ching: Can you also look for meeting dates in December?

Chair Rainforth: Sure.

Ms. Omo: We have December 4<sup>th</sup>.

Ms. Ching: Do you want to meeting in the second week in December as well?

Mr. Kahawai: Yeah.

Mr. Crowell: Your office is shutting down on what day? The 16<sup>th</sup>?

Ms. Ching: They are going to be moving all of your desks and stuff over the third week in December. Yes, it's the 16<sup>th</sup>.

Mr. Crowell: We're looking at the week of December 9<sup>th</sup>.

Ms. Omo: How about December 9<sup>th</sup>?

Mr. Crowell: We're meeting on the 4<sup>th</sup> and we can go on the 9<sup>th</sup>?

Ms. Omo: Yes, if you want to. I can post the agenda in accordance to the Sunshine Law.

Mr. Kahawai: How about the 11<sup>th</sup>?

Ms. Kauai: You can on the 9<sup>th</sup>?

Mr. Kahawai: I can.

Chair Rainforth: Okay, so we have November 21<sup>st</sup>, December 4<sup>th</sup> and December 9<sup>th</sup>.

Ms. Ching: Thank you. I appreciate you accommodating us.

Mr. Crowell: Where are you moving too?

Ms. Ching: We are moving to the old KPD Dispatch.

Mr. Kahawai: Where are you now?

Ms. Ching: We are in the Rotunda the first office on the right.

Chair Rainforth: Okay, is there any more discussion on item SC 2019-04? Should we move on to the second item of business?

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

Chair Rainforth: Have we already passed the deadline for submission of anything?

Ms. Ching: Yes, you have. However, I do know that there is discussion it hasn't hit the Charter Review Commission yet but there is discussion about wanting to float the ballot question again to have the Salary Commission set the salaries.

Chair Rainforth: Yes, I looked it up on line and it was on the 2018 Ballot, so it was very recent. That was four years ago.

Ms. Ching: Yes.

Chair Rainforth: I would support that.

Ms. Ching: The discussion is that the public felt that the Mayor just got elected and now he's requesting raises. The same goes for the council because it seems like they don't understand that it is the duty of the Salary Commission per the Charter to put forth a resolution. If you are in support of that I believe the proposal would be put forth next month before the Charter Review Commission. So if the Commission is in favor of the proposal and would like to take a position on it, I would recommend you elect a spokesperson to represent the Salary Commission in front of the Council or at the very least at a Charter Review Commission meeting to speak on the Commission's behalf and communicate what the Commission's opinion is about the proposal.

Chair Rainforth: Before we talk about that do we need to submit a letter to the Charter Review Commission saying we support bringing the ballot question back?

Ms. Ching: If you would like to do that absolutely and you would need a motion to that effect.



Chair Rainforth: Commissioners, do you think we should submit a letter to the Charter Review Commission?

Mr. Kahawai: What is the difference between what we're doing now and what the proposal is? We are already establishing the salaries for the different positions so what would the amendment be?

Ms. Kauai: The decisions would stop here with the Salary Commission.

Chair Rainforth: It would take Council out of the picture.

Mr. Kahawai: Okay. So what we decide here that's it...

Mr. Crowell: That's it.

Chair Rainforth: Is it my belief that the Big Island did this already and that's why the positions got a bump in their salary. I don't know if Maui County is considering that as well.

Ms. Ching: I have to check but when we did the memo there were counties that had already adopted that.

Chair Rainforth: Is there a motion to submit a letter to the Charter Review Commission to support putting the ballot question back on the 2020 election?

Ms. Kauai: So moved.

Mr. Crowell: Second.

Chair Rainforth: Discussion?

Ms. Kauai: Yes, I think it would also alleviate the Council because it puts them in a really uncomfortable position and to me they deserve it because of all of the work they do and it just seems self-serving when they have to vote on their own salaries.

Chair Rainforth: I was really surprised with the session earlier this year when they were deciding on the resolution. There didn't seem to be a click within the group to organize whatever they wanted in order to pass it. It just didn't happen there were seven individuals each with their own opinions and viewpoints which is amazing. Okay, Staff can draw up a letter and I can come by the office to sign it.

Ms. Ching: Yes. You need to call for the vote.

Chair Rainforth: All those in favor of the motion to submit a letter to the Charter Review Commission requesting that they put a ballot question on the 2020 election, please signify by

saying aye. Opposed. Hearing none the motion carried. Is there any further business the Salary Commission needs to discuss today?

**On a motion made by Ms. Kauai and seconded by Mr. Crowell to submit a letter to the Charter Review Commission to support putting the ballot question back on the 2020 election carried 4:0.**

Ms. Ching: One more thing, the Commission needs to select someone to be a spokesperson before the Charter Review Commission because that is a procedure the CRC has adopted to be able to ask questions as to why a Commission would like their proposal to be considered.

Chair Rainforth: Is there any volunteers? No. Okay, then I'll do it.

Ms. Kauai: So moved.

Mr. Kahawai: Second.

Chair Rainforth: All those in favor of the motion to select the Chair to represent the Salary Commission before the CRC, please signify by saying aye. Opposed. Hearing none. The motion carried. Is there further business?

**On a motion made by Ms. Kauai and seconded by Mr. Kahawai to select Chair Rainforth to represent the Salary Commission at the next Charter Review Commission meeting carried 4:0.**

Mr. Crowell: I move to adjourn the meeting.

Ms. Kauai: Second.

Chair Rainforth: All those in favor, please signify by saying aye. Opposed. Hearing none. The motion carried.

**On a motion made by Mr. Crowell and seconded by Ms. Kauai to adjourn the meeting carried 4:0.**

At 9:58 a.m. the meeting adjourned.

Submitted by:

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Mercedes Omo, Support Clerk

Approved by:

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Kenneth Rainforth, Chair

Approved as circulated on:

Approved as amended on: