

SALARY COMMISSION
COUNTY OF KAUAI
4444 RICE STREET, MOI KEHA BUILDING
MEETING ROOM 2A/2B

APPROVED AS AMENDED MINUTES OF THE COMMISSION'S
SECOND MEETING
February 13, 2020

ATTENDANCE

Commissioners present at meeting: Trinette Kauai, Kenneth Rainforth, Robert Crowell, Leland Kahawai and Patrick Ono.

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

Commission attorney: County Attorney Matthew Bracken

Invited Guest: Todd G. Raybuck, Chief of Police, Kaua'i Police Department

CALL TO ORDER

Chair Kauai: We would like to call this meeting to order. Thank you for coming.

CHAIR'S ANNOUNCEMENTS

Chair Kauai: There are no announcements from the Chair.

APPROVAL OF MINUTES

Chair Kauai: Okay, our first order of business is to approve or amend the meeting minutes of January 23, 2020. Hopefully, you all had a chance to go through it and if you folks did, I need a motion to approve or amend.

Mr. Rainforth: I found a typo on page three (3), the first paragraph, second to the last line. It should say it's kind of average and not kind if average. It's just a minor typo.

Chair Kauai: Is there anything else Ken?

Mr. Rainforth: No, I got to page twenty (20), then I had to read really fast and skim through it.

Chair Kauai: Do I have a motion?

Mr. Kahawai: I move to approve the minutes as amended by Mr. Rainforth.

Mr. Crowell: Second.

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

On a motion made by Mr. Kahawai and seconded by Mr. Crowell the motion to approve the January 23, 2020 meeting minutes as amended carried 5:0.

BUSINESS

SC 2020-1 Update by Commissioner Kenneth Rainforth on a proposal to amend the Kaua'i County Charter, Article XXIX Salary Commission. (Deferred on 1/23/2020)

Chair Kauai: Commissioner Rainforth are you ready to give us an update?

Mr. Rainforth: I attended the Charter Review Commission meeting on January 27th and it was a long meeting. I was there for two (2) hours before I could testify. I assured the Charter Review Commission that the Salary Commission was in favor of the language that the Managing Director had provided. I should read it out loud because it's been so long since we've last looked at the proposed language that we want the Charter Review Commission to put on the ballot.

“There shall be a Salary Commission composed of seven (7) members with the mayor and the council each appointing an equal number of members and additional member selected by members previously approved by the mayor and the council. Members appointed by the mayor maybe removed by the mayor with the approval of the council, members appointed by the council may be removed by the council with the approval of the mayor. One additional member selected by previously appointed members may be removed by the mayor with the approval of the council. The Salary Commission shall establish the maximum salaries of all elected and appointed officials as defined in Section 23.01 D of this chapter.”

So, hopefully that's the language the Charter Review Commission will put on the ballot for this upcoming election. I know that they have many, many proposals to consider and they can't overload the electorate with twenty-five (25) proposals. But I think that they're in favor of putting this on the ballot. Thank you.

Chair Kauai: Thank you. Are there any questions for Commissioner Rainforth? If not, thank you Ken for spending time at the meeting. Okay, our next order of business is item SC 2020-2.

SC 2020-2 Discussion and decision-making on draft Salary Resolution 2020-1 authorizing the Office of the County Attorney to pay up to \$600 per month to each attorney to cover student loan repayments. (Deferred on 1/23/2020)

Chair Kauai: Are there any comments? Okay, go ahead.

Ms. Ching: I just wanted to update the Commission that I did speak with Mayor Kawakami and I personally invited him to this meeting but he was not able to make but he wants to assure the Commission that he supports the resolutions coming from the County Attorney and the Police Department.

Chair Kauai: Okay, do we have any questions for Matt or Ellen or more discussion?

Mr. Rainforth: I recall that we had a rather robust discussion and after listening to Chief Raybuck's testimony and from the Fire Department at our last meeting we came to the conclusion that today we were either going to change our original motion that we made at our last meeting which was not to submit a resolution to us considering submitting a resolution. The consensus I got especially after reading the minutes was that today is the day we should either adopt the proposal from the County Attorney's office or not. So, that's where we are today.

Chair Kauai: Right.

Mr. Rainforth: So it's either yes or no.

Mr. Crowell: Just a correction. I think, I heard you say that we heard from police and fire, but we didn't hear from fire. I think you meant to say the attorney right?

Mr. Rainforth: Yes, I stand corrected, it was the County Attorney.

Chair Kauai: Right.

Mr. Crowell: Chair, if I may. I still maintain that we need to look at it deeper. I'm not trying to belabor the point, but I would like to have more time to study it across the board because I don't think it will only affect the County Attorney's Office, the Prosecuting Attorney has the same type of problem. I maybe be wrong, but I still would like to know. After thinking about it, if we go over to Council and they start to ask questions- I mean just like what Ken had mentioned I feel the same way too about this police proposal, but we need to look at fire too. I don't want to go over to Council and say ahh...we didn't think about that. I'm just saying as a Commission we should do our homework and think about other things because I'm not sure if we have all of the answers. That's just my opinion.

Chair Kauai: Thank you, Commissioner Crowell. Are there any other comments?

Mr. Rainforth: I was thinking about the timing on this. This would be submitted to Council and they would probably deliberate in May. I think the testimony we heard from County Attorney Bracken and Ms. Ching was that the Administration was happy with us submitting both of these resolutions as a way to feel Council out to see whether or not this would be possible for more than just the departments named in the resolution and whether Council would be open to extending it to the Prosecutor's Office and the Engineering Office or whoever it would apply to, or different type of siphons (money or resources) that we discussed previously. If we don't anything - I'm wondering looking at the Charter amendment if it passes when the resolutions

would take effect all of us may not be on this Commission in January of next year and we may not have the opportunity to even consider some of the things we've been talking about. So, I'm thinking this may be this Commission's only chance to submit our ideas that we have to mitigate compensation for all elected and appointed officials. That's my concern.

Chair Kauai: Thank you. Is there anybody else?

Mr. Bracken: I can ask the Prosecuting Attorney for information because they have the same problem that I do with hiring; they have shortages and vacancies. I'm aware of two of those vacancies because I took two of their attorneys from them. I have an attorney starting on next Tuesday and the other one started just a couple of weeks ago. I do want to say though, that there is a difference between the Prosecutor's Office and the County Attorney's Office – the Prosecutor has the luxury of being able to start their attorneys straight out of law school and put them in district court and work them up to more serious felony cases and circuit court cases. I have to hesitate with hiring an attorney right out of law school because we handle more in-depth problems and I don't have the ability to start people out at a lower level. I have to have people who are ready and able to work at a higher level from the get go.

With regard to our civil litigation cases I already sent you copies of bills from our outside counsel and although some cases are easier than others I can't hire an attorney (s) with no experience and put them on these cases. I need attorneys with a certain level of competence.

When hiring a litigator, I cannot hire someone straight out of law school because I need someone with experience which is why I struggle a lot more with finding litigators. When it comes to transactional attorneys it's not as hard because I can hire attorneys with little experience and train them up. I can't really do it with litigators because of the type of work they do which usually involves high level lawsuits. So, I have two attorneys starting next Tuesday and one of them is a part-time attorney who is transactional and would be working remotely as a kind of experiment. As for vacancies, I do have openings for litigation attorneys with experience to pick-up cases.

Chair Kauai: Thank you Matt. I was thinking if we do decide to adopt Resolution 2020-1 maybe we could add a stipend just like other companies have for education, but if the employee leaves the County in a certain period of time they would have to pay back a portion of that siphon they get with a cap. For example, if they leave in two years, they would have to pay fifty percent back with a cap of thirty thousand dollars of the total amount. So that's something I was thinking about if we were to accept this resolution.

Mr. Rainforth: I would like to address Commissioner Crowell's concerns about the Salary Commission looking like its half-baked if it introduces a resolution that could affect the other departments. I believe that Resolution 2020-1 and Resolution 2020-2 would have to be introduced to the Council clearly that these proposals could affect one or more departments than what is being proposed and that the Commission's feelings on this is to see how Council feels about such proposals. It would have to be that way otherwise, it would be very embarrassing being criticized by members of the Council. Thank you.

Mr. Crowell: Having just said that, I have a question for Matt. Matt, would the amount apply to only the guys who have outstanding student loans?

Mr. Bracken: That's correct.

Mr. Crowell: So, basically, what you're saying is, the guys that have student loans you would be allowing them to have a \$600 a month pay raise versus the guys who do not have student loans or who happen to be able to afford going to school or their parents happen to be able to pay for their college tuition to go to law school. Do you see having a problem with that?

Mr. Bracken: No, I don't. I polled the attorneys in my office and out of all of the attorneys in my office only two don't have student loans which is basically based on the amount of time they been out of law school or went to law school. One of them went to law school a long time ago and it was significantly cheaper, but it's been a long time and it's obvious that he paid it off. The other one did it part time and worked while he was going through law school, which is unusual that they allowed it at University of Hawai'i. But nonetheless, it was a good program for him and he was able to come out with no student loan. The reason why I'm not necessarily concerned with that is because I don't necessarily pay all of my attorneys the same. There's a maximum allowed amount that you guys set and I can set their salaries at the maximum or amount below the maximum. So there's already a pay difference in the Attorney's Office and this is just part of that pay difference. Out of the attorneys that don't have student loans, I really don't see a morale issue on the fact that the other attorneys would be getting the pay, but if there is I would be willing to deal with any morale issues just to fill in the holes.

Mr. Kahawai: Matt, is the \$600 a month more for recruitment purposes?

Mr. Bracken: It is and part of this is because the budget process is going on right now, and if you were to entertain this and it goes to Council, my initial presentation to them would be to propose a budget neutral and if they accept it's not going to affect this year's budget because there's no money for this. The way I see it is, in order to use this is, all need is a vacancy for one month and that's more than enough to pay for this. So, if these vacancies continue (which I expect them to), all I would need is one month of vacant position, then I can basically, offer someone a full salary with benefits within that budget period, then in the following year, I would have to ask for additional money. So, for this first fiscal year, I expect it to be budget neutral and be able to just use the unexpended salaries and the vacancy salaries to pay for it.

Chair Kauai: Okay, are there any more questions?

Mr. Ono: I just have a comment. In reviewing this draft resolution, I tried to look at it from different perspectives, both practical and functional. I think that you did a great job in defining those. You have vacant positions and it's affecting your ability to move forward with your responsibilities in view of the department. Preventing turnovers, wasting time, as well as having to retrain those kind of things require a lot of effort which brings us to the cost of inaction. The cost of inaction was represented in your comparison for just three (3) months for outside counsel which exceeds a yearly salary for an attorney.

I see why you looked at the \$600 amount because of the benchmark that was provided to us and it seems that it would skinny up some of those challenges you have. So with that said is there a way where we could look at the compensation for \$600 and say this position requires not only a college education, but also passing the bar. So, with that said we do have justification that makes sense for us to consider loan repayment as part of this process. So, I agree.

I think that's why we've talked about this a couple of times. I see the poll and for us we're looking at it because it's important for us to be able to identify the inequities and imbalances going forward. But at the same time, the functional and practical side is pulling at me because these things are happening and if we don't look at investing into something that's creative...

So the question is, will we have any opposition if we include some write-up like what the Chair was saying with respect to pay-back. Also, because your position requires a college education and passing the bar, it would be in-line with the term whereas that is required and this required and that the average loan is this and the monthly payment is this.

Will we be able to add all of that into the resolution?

Mr. Bracken: Yes, you definitely can. If you want that language, I can definitely add in and in your motion (if you were to approve it), you would basically say with these additions. You can add other additions too and those changes can be made to the resolution now. To address the idea of a siphon, I like that idea because it would help us with retention because people won't want to pay it back they'll want to stay in for that period in time. So, I think it can be worked into that too. Part of it is, when I look at how the resolution is currently worded it might work as is because it's more of a function of the budget. So if this is approved we could basically work out the budget where there's money set aside for a siphon and it could be paid up-front. So, I think it could be workable. I could tweak the language to make sure it works.

Ms. Ching: Commissioners, I just wanted to address some of the comments. Initially, this Commission decided not to pass a resolution, then I was contacted by Matt and Chief Raybuck about these resolutions and they asked if we could push it forward to have you take a look at it.

In particular, I think the Boards and Commissions has been really effected. Matt has worked really hard to try to address the vacancies in his office and if you think about it at one point, he had five (5) vacancies. So, Matt and I had looked at it and he asked me what the Boards and Commissions that he absolutely needs to have staff attorneys on board. Because it just really wasn't possible with that many vacancies (35%). So, he's done a lot of work to fill it, but I also know that when new attorneys come on board it's a very competitive for the attorneys.

I would say within the first three (3) months when they start to represent the County they will get approached by private law firms and that's a very big difference. Although the County Attorney has done a lot of work there are going to be vacancies, so it's about trying to recruit and trying to retain in the long run because as you mentioned earlier Commissioner Ono, the cost of doing nothing or not addressing is a serious crisis in the County Attorney's Office can cost the County more money.

For me, I was happy because this was very creative and it's something that the Commission had discussed previously, which is similar to the Police Department because they also have chronic vacancies. So in my mind, because it's at a critical point with both Departments this is something that should be considered by the Salary Commission.

Mr. Ono: It was nice to hear Mr. Bracken say we are responsible for setting the maximums; it's clear maximums and it doesn't provide for flexibilities, it's up too right? So, I think it's good to have that.

Chair Kauai: Thank you, Commissioner Ono. Are there anymore comments?

Mr. Rainforth: I have a procedural question. We haven't move to adopt this resolution, but can we because we have another. Earlier, we said we were not going to submit a resolution, so do we need to rescind our previous decision before I move to adopt? I don't know.

Mr. Bracken: Procedurally, yes, you would need to move to rescind the previous motion.

Mr. Rainforth: Okay, then I move to reverse our previous decision not to submit a resolution to Council for this coming fiscal year.

Ms. Ching: Chair, technically, you should use the word "rescind".

Chair Kauai: Okay.

Mr. Bracken: Do we know who made the original motion?

Ms. Ching: We shall check on it.

Chair Kauai: Ellen, does he have to restate the motion?

Ms. Ching: Yes.

Chair Kauai: Okay.

Ms. Ching: But first, let's check who made the original motion because the point Matt is bringing up is it might be better to have the originator of the original motion to rescind.

Mr. Kahawai: I think the motion was made by me and seconded by Mr. Crowell.

Mr. Bracken: This is a small Commission so we are not necessarily bound by Robert Rules. So it's not actually necessary.

Ms. Ching: But it would be better.

Mr. Bracken: Yes, it would be better.

Mr. Kahawai: I make the motion to rescind.

Ms. Ching: Okay, you made the motion to rescind.

Chair Kauai: Okay, we have a motion to rescind our original motion not to submit as resolution to council. Do I have a second?

Mr. Crowell: I'll second.

Chair Kauai: Commissioner Crowell, thank you for seconding the motion. Discussion?

I respect Commissioner Crowell's comments that he made earlier because I totally get it. But after hearing what Ken said this might be our last hooray. I think testing the waters and all of the homework Matt and Chief Raybuck did as far as the budget neutral and the County Attorney's Office being budget neutral – seeing all of those bills for three (3) months amount to almost \$45,000 is a no brainer. So, I want to thank you Commissioner Crowell for...

Mr. Crowell: Let me explain. I'm more than willing to rescind, but I'm not sure if we're done with the discussion on submitting more resolutions because you know...

Chair Kauai: I got it.

Ms. Ching: Sorry, Commissioners actually (and Matt, please advise us on this) the original motion was made by the Ms. Kauai and seconded by Mr. Kahawai. But is it okay if Mr. Kahawai made the motion?

Mr. Bracken: That's okay.

Ms. Ching: Okay, thank you.

Chair Kauai: Okay, all those in favor of rescinding the Commission's original motion not to submit resolution to Council in January 2020, please signify by saying aye. Opposed? Hearing none. The motion carries 5:0.

On a motion made by Mr. Kahawai and seconded by Mr. Crowell to rescind the Commission's original motion not to submit a resolution in January 2020 to Council carried 5:0.

Chair Kauai: Okay, now do we go to the actual resolution?

Mr. Crowell: I wanted to make a clarification.

Chair Kauai: Go ahead.

Mr. Crowell: I thought I heard Commissioner Ono mentioned these are maximums. So, wouldn't the \$600 a month increase the maximum?

Am I correct or you pay them a lower amount and they would come up to the maximum of the County Attorney? If you already pay them the maximum is the \$600 on top of the max?

Mr. Bracken: It depends on how you look at it. I'm going to use the example of the other allowances that have already been approved by this Commission. For instance, the Police Chief receives uniform and gun allowances and the Fire Chief receives uniform allowances. The Mayor and the County Council receives cellphone allowances and all of those allowances were approved by this body. But they still receive their maximum salaries and have those allowances on the side. So, the way I look at it, the maximum salary would remain the same and the \$600 a month would be an allowance. How it's going to end in the budget process, I'm not sure, but this would allow for the maximum salary and a \$600 allowance.

Mr. Crowell: To satisfy my concerns in your resolution can we include the Prosecuting Attorney Office? Is that easy or do we need them to propose.

Mr. Rainforth: First of all, you would a motion to discuss changing Resolution 2020-1.

Mr. Crowell: Right.

Mr. Rainforth: So, if you want to discuss it let's put it on the table.

Chair Kauai: Okay.

Mr. Rainforth: I move that the Salary Commission adopt Resolution 2020-1.

Chair Kauai: I have a motion from Commissioner Rainforth to approve Resolution 2002-1 authorizing the Office of the County Attorney to pay up to \$600 per month to each attorney to cover student loans repayments. Do I have a second?

Mr. Kahawai: Second.

Chair Kauai: Thank you, Commissioner Kahawai. Are there any discussion?

Mr. Bracken: So, to answer your question. Yes, it would be possible, but the problem you'll run into is the Sunshine Law. With the Sunshine Law an agenda is posted so that the public will know what's occurring at this meeting and they can comment on it. The fact that the Prosecuting Attorney isn't included in this resolution and the agenda does not provide the notice of what may be occurring. So, you wouldn't be able to do it today, but if it's something you're interested in doing you would have to agendanized it – you could make that motion, but there would have to be another meeting and the resolution would have to be amended and there needs to be another agenda item to provide the public with notice that the Salary Commission is considering the Prosecuting Attorney as well. So, it is possible, but not possible for today.

Chair Kauai: Okay, I have a question. In regard to my comment about the pay-back and the ceiling can it be more of a procedural thing or an office policy rather than putting it into the resolution. Would that be easier to do?

Mr. Bracken: I think so, it could be procedurally done in the budget process because I really do like the idea because it would help with the retention. I think with you approving the up to \$600 a month allowance we could budget the money in a way that you're getting this money up front. I'd basically would have a contract with the attorney requiring the pay-back. So, I think it could be done operationally with the allowance, then it's just a matter of putting it into the budget.

Chair Kauai: Okay.

Mr. Kahawai: Is the term allowance? I know that you mentioned allowance. Does the resolution have to say an allowance and is this how all of the other allowances were worded?

Mr. Bracken: You know, I don't recall at the top of my head how it really was worded. I don't think the term has to be an allowance because in reality these all come through here because you control the salaries and when I looked at student loan repayments, the Internal Revenue Service (IRS) views it as salary. Historically, this Commission has always viewed everything as salary which falls under your purview and because the IRS looks at these payments as salary, I don't think it's necessary that it's specified in the resolution with your authorization. Budget wise it would be some sort of line item, because in the end it's considered salary by the IRS.

Chair Kauai: Any more discussion, questions or comments?

Mr. Crowell: No, I'm okay with it.

Mr. Rainforth: Call for the vote.

Chair Kauai: Okay, I'll call for the question. We have a motion and a second to approve Resolution 2020-1 authorizing the Office of the County Attorney to pay up to \$600 per month to each attorney to cover student loans repayments. All those in favor, please signify by saying aye. Opposed. Hearing none. The motion carries 5:0.

On a motion made by Commissioner Rainforth and seconded by Mr. Kahawai to approve Resolution 2020-1 authorizing the Office of the County Attorney to pay up to \$600 a month to each attorney to cover student loans repayments. The motion carried 5:0.

SC 2020-3 Discussion and decision-making on draft Salary Resolution 2020-2 Article I. Salary of Deputy Police Chief which would add the option for permanent civil servants appointed to the position of Deputy Police Chief to retain the same compensation as though had remained continuously in the civil service position in which the employee last held permanently before their appointment, effective July 1, 2020. (Deferred on 1/23/2020)

Chair Kauai: Okay, let's move on to item SC 2020-3. Today, we have Chief Raybuck here. Would you like to come up and state your name for the record and talk about your proposal?

Chief Raybuck: Good morning, Todd Raybuck for the record. Thank you again for the opportunity to come before you to speak about this. I really appreciate your thoughtful consideration that you're putting into our resolution. I wanted to come back to thank you for actually asking me to come back. I'll try to fill in some of the gaps that I (perhaps) left at my last proposal. I would like to explain a little bit as to where I'm at and where I want to go and why I need your help.

Before I get to the document that I just provided to you, I would like to tell you about my 2020 Goal. One of my strategies and goals for this year is to reorganize my Police Department and part of that reorganization is looking at each one of our positions within the Department beginning from the top down and I'm doing this for a matter of reasons which is to ensure that I'm not too heavy. In my organization, I want to make it so, I have the right level of management that I need and not too many. I believe that by reorganizing my Police Department I would be much better at increasing our efficiency, improving our communication and providing better services to our community.

One of the main points in my reorganization is to appoint a deputy chief, but until I make that selection, I won't know where the chips might fall in the rest of my organization when it comes to re-organizing (*sp*). Currently as you know, I have one police chief and one deputy chief position and I also have three (3) assistant chiefs and four (4) police captains and those are spread out into three different bureaus Patrol Bureau; Investigation Bureau; and Administrative & Technical Bureau. So that's the model I want to move too because I think I'm too top heavy in my organization.

I think that having the division of three (3) different bureaus to spread out the duties will reduce our efficiency and communication so I want to go to a two-bureau model, but in doing that I want to reorganize my Department and shift some of my assignments.

Under the new reorganization, I would have a deputy chief, two (2) assistant chiefs and a new position called Director of Business Operations and that person would oversee the fiscal side of the house, the grants, the HR side of the house and all of the other business operations that aren't necessary police functions and that the Director of Business Operations would be a civilian and it would be a new hire position.

Which brings me to the document that I presented to you this morning. If this resolution was to pass – look at scenario number one, I moved an assistant chief into the deputy chief's position, but they would still maintain their salary as if they never left their former position.

The questions I was asked, was how would that remain salary neutral and would I have to promote from within to fill that vacancy. My answer is yes, potentially, I would evoke to fill that vacancy, and if I did that that captain would then become an assistant chief and ideally or obviously that lieutenant would move into the captain's position. So you can see what the salary increases are if that scenario was to go forward. The challenge with that is those promotions to captain, then to lieutenant and whatever trickle-down effect happens would be temporary in nature because if that deputy chief decides to evoke their return rights to go back an assistant

chief, I would have to shift those positions back down. So, obviously that is not an ideal situation.

If Salary Resolution 2020-1 is adopted and I'm successful in my reorganization plan (that's my desire), then under scenario number two, the assistant chief position to the deputy chief's position under an ultimate salary resolution, they would get to keep their salary as if they never left, but through attrition and an anticipated vacancy of an assistant chief's position (I have a senior assistant chief who is retiring at the end of March) that assistant chief's position will be re-classified and converted to a Civilian Business Manager position. So, as you can see, there are differences in the salaries between the assistant chief of \$170 and the maximum for the Civil Business Manager position of \$145, which is a decrease or difference of \$24,284.00. If you look at that bottom grid, it shows you what my Fiscal 2021 Budget is for my salaries and you can see where scenario number one lays out.

But scenario number two is where I want to bring your attention to because that's the business model that I want to move to in my reorganization. By removing an assistant chief's position and down grading - well I hate to say down grade because a Business Manager isn't a down grade, but it is a down grade in salary or departure in salary. By removing the assistant chief's position and reclassifying it to a Business Manager position you can see, I am in fact, budget neutral with a savings of four dollars in my budget. So that is the model, I want to move forward with, but the challenge I have with that is, I cannot begin my reorganization until I resolve whether or not I can move forward with my appointment of a deputy chief. So, that's where I am and I'll entertain any questions that you may have.

Chair Kauai: Thank you Chief. Commissioners do you have questions for Chief Raybuck. I have one. Are you still going to retain the four (4) police captains and just reduce the assistant chief position from three (3) to two (2)?

Chair Raybuck: Yes.

Mr. Kahawai: Is there someone in the force now that can fill the Business Manager position?

Chief Raybuck: It would be an open recruitment. I don't know if there's someone within my organization who would apply and be qualified. But certainly if you're interested in the position you would be able to qualify and you could apply as well.

(Laughter)

Mr. Crowell: Just a comment. Chief, I think this is great idea. You did a lot of work on this and I totally agree with it. As much as, I agree that we don't need an engineer running public works you don't need a cop running the business aspect of a police department. So I applaud you for that and I think it's a good move.

Chief Raybuck: Thank you.

Chair Kauai: I echo Commissioner Crowell's sentiment as well. So thank you very much for thinking out of the box. This is very creative and it shows you can be revenue neutral even if it's just a four dollar variance. You'll be able to accomplish what you want to do and I love the Business Manager concept because a lot of the departments (sometimes) need help to guide them along and show them what they need. So, thank you for that. I appreciate it.

Chief Raybuck: Well, since you guys love it so much when I start to post the opening, I would love your help with recruiting for it.

Chair Kauai: Okay.

Mr. Crowell: Chief, you should go over and talk to the Council already because they need to approve it.

Chief Raybuck: I will seriously do that. As I said before, I didn't want to put the cart before the horse because you guys are the ones who decide how the conversation takes place.

Chair Kauai: If you guys don't have any more comments or questions. I would like to call for a motion to adopt Salary Resolution 2020-2.

Mr. Rainforth: I move that we adopt Salary Resolution 2020-2.

Chair Kauai: Is there a second?

Mr. Crowell: Second.

Chair Kauai: Before I call for the question are there any more questions?

Mr. Kahawai: I have a question. Are the changes to the resolution based on this new model or does the resolution stay in place?

Chief Raybuck: No, I created this resolution with this model in mind.

Chair Kauai: Thank you Commissioner Kahawai. Okay, all those in favor of adopting Salary Resolution 2020-2, please signify by saying aye. Opposed. The motion carries 5:0. Thank you Chief.

Chief Raybuck: Thank you.

On a motion made by Mr. Rainforth and seconded by Mr. Crowell Salary Resolution 2020-2 was adopted by the Commission. The motion carried 5:0.

*Note before leaving the meeting, Chief Raybuck collected the information that he presented to the Commissioners earlier.

Chair Kauai: Okay, then next order of business is item SC 2020-4.

SC 2020-4 Discussion and decision-making on submitting a Salary Resolution establishing the maximum salary caps for certain County officers and employees included in Section 3-2.1 of the Kauai County Code for the Fiscal Year 2021/2022. (On-going)

Ms. Ching: Chair, in light of your two motions that passed. I had a discussion with County Attorney Matt Bracken on how we can move forward in an efficient manner. When you submit a salary resolution there is a memo that's normally attached to it, so in my discussion with Matt I asked him if it was possible for us to work together on the memo to send over to Council. Another matter that we also discussed is if you would pass a motion authorizing us to draft the memo we could do that and it wouldn't create a need for you guys to meet again.

Chair Kauai: Okay, thank you. Do we have a motion to authorize Ellen and Matt to go ahead and draft the memo to the County Council regarding Resolution 2020-1 and Resolution 2020-2?

Mr. Kahawai: So moved.

Chair Kauai: Okay, we have a motion. Do I have a second?

Mr. Rainforth: Second.

Chair Kauai: Any discussion?

Ms. Ching: If I can insert myself on this.

Chair Kauai: Okay.

Ms. Ching: Earlier, there was discussion about how these resolutions would be presented to the Council and to include into the memo language that this could be applied to other departments. So if you want us to put the language into the memo, we certainly will.

When I think about it strategically, if this is sort of a test it would be best not to include that language into the memo quite frankly. We will know sort of the will and temperament of the Council by what happens to these two (2) resolutions. I think that it may limit the potential of the resolutions to pass if Council believes that we're going to apply it to the other departments, in particular because of the recruitment and organization problems that has been quite endemic to the Police Department for a very long time. I was happy that you were open to entertaining a resolution from them similar to the County Attorney's Office because those two Departments, in particular have had endemic issues with recruitment and retention and it has impacted their ability to provide services to the other Departments and the Office of Boards and Commissions. So, in the memo - what I heard this morning is to include that we will be looking at all of the departments. So if you want us to put it in the memo, we certainly will, but I would advise against it, at this point.

Chair Kauai: Okay, maybe we can keep it out, but I think it's important to let Council know that we did consider it, but it came to our attention that it might affect different departments.

Because I'm sure that question will come up with Council asking if the Salary Commission had considered the other departments.

Ms. Ching: There's a number of ways that that discussion can take place. I can discuss it directly with staff and let them know without it being necessarily put in the memo – usually when that discussion takes place with staff or with the Councilmembers directly regarding resolutions that would sort of negate the need to have it in the memo or to have the discussion on the floor.

One of the things was discussed specifically, with Matt and Chief Raybuck, is that they would be specifically quarter-backing this because they have all of the details and it's something that they're willing to do. So, if the Commission is willing to entertain it and move it forward they will be doing the heavy lifting on this.

Mr. Kahawai: That was understanding that both Matt and the Chief would be taking the lead on this.

Mr. Bracken: Yes, I'll take it across the street.

Chair Kauai: Thank you. Okay, is there any more discussion, if not, I'll call for the question. All those in favor, please signify by saying aye. Opposed. Hearing none. The motion carries. Thank you.

A motion was made by Mr. Kahawai and seconded by Mr. Rainforth to authorize Boards and Commission Administrator Ellen Ching and County Attorney Matt Bracken to draft a memo to the County Council regarding Resolution 2020-1 and Resolution 2020-2.

Ms. Ching: Thank you.

Mr. Rainforth: So, will your office be contacting us to come in and sign the resolutions?

Ms. Omo: Ellen, I'm going to our office to print the Resolutions for the Commissioners to sign since they're all here.

Ms. Ching: Okay, great.

Chair Kauai: Okay, while we wait for Mercedes to return with the Resolutions is there any discussion on submitting future salary resolution. I know we got some information from HR on the inversion in the different departments.

Mr. Rainforth: When the Resolution gets to Council, I guess Trinette and I will have to testify or at the very least introduce the Resolutions?

Ms. Ching: Let me talk with Council's staff to see how they would like us to proceed, then I will coordinate with Matt and Chief Raybuck, so let me figure that out first. Our main focus would be putting the memo together and get it over to Council as quickly as possible, then we'll move forward at that point.

Mr. Kahawai: Approximately, when would the meeting occur with the Council?

Ms. Ching: Matt, you think we could get it over to the Council by the end of the month?

Mr. Bracken: I think so. I think the next full Council meeting is in the beginning of March.

Ms. Ching: Yes, March 11th.

Mr. Bracken: Procedurally, Council can pass these resolutions in one reading or they can also defer it and discuss it as long as they want. Sorry, not as long as they want because they have sixty (60) days in which they need to act on it. So they can pass it in one reading and it's normally done at a full Council meeting, and to get it on their agenda it usually takes about a week or two.

Mr. Crowell: As far as this Commission is concerned, are we still going to move forward and start working on another resolution for next year or are we going to wait to see what the outcome is for these two (2) Resolutions?

Ms. Ching: I would suggest (unless you're thinking has changed) that you continue to meet monthly and do a deep dive and come up with a more comprehensive resolution for next year.

Chair Kauai: May be we can wait until March to get a feel on applying it to the other departments.

Mr. Kahawai: I have a question. We looked at these two (2) Resolutions because they were brought to our attention. I would opined that I would like to hear from the other departments as to what their plans are rather than us trying to figure out how we can help them. For me personally, it would make it much easier for us to make a decision on a recommendation from the departments versus us trying to figure out if they need this or if this is going to help them.

Chair Kauai: Sure.

Ms. Ching: The Departments that I would like you hear from at your next meeting is the Water Department because currently they have no Water Manager - as you heard the other Commissioners saying how problematic it is to find a Water Manager with an engineering degree. I would also like to encourage you to invite the Department of Water and Public Works because Lyle Tabata is leaving (I believe) on March 3rd.

Mr. Bracken: I think its sooner.

Chair Kauai: The end of February.

Ms. Ching: Okay, the end of February. I can tell you from doing a little bit of research on the vacancy of the County Engineer position that over the past 50 years that position has been vacant majority of the time.

Chair Kauai: What about the Fire Department?

Ms. Ching: The Fire Commission is in the middle of hiring a new Fire Chief and similar to the Police Commission they have a large number of applicants. Their hiring process in regard to the Sunshine Law is different from the County Attorney's Office, the Water Manager and Public Works because those Departments usually don't have a lot of applicants. But Fire and Police certainly had a large number of applicants.

Ms. Ono: The summary that was brought to us on the different departments and salary comparisons for the State of Hawai'i under each department what would be in combination of what Commissioner Kahawai said that if we could have a breakdown of the salary maximums for each individual department because it can get quite complicated depending on the Department. Police for instance there are positions that are outside of the collective bargaining so it wouldn't be for those positions.

Ms. Ching: Commissioner Ono, do you want a breakdown on each individual position that fall under collective bargaining and which positions aren't?

Mr. Ono: No, only the ones that fall under the purview of the Salary Commission to set the maximum amounts. Thank you.

SC 2020-6 Discussion and decision-making on setting the Commission's next meeting date.

Chair Kauai: Okay, should we look at our calendars for our next meeting?

Ms. Ching: Generally, your meetings fall on Thursday's?

Ms. Ono: Thursday's appears to be working for the Commissioners.

Chair Kauai: Yes, so far.

Ms. Ching: Is it on the 3rd Thursday?

Ms. Ono: There's no set Thursday's.

Chair Kauai: Right.

Ms. Ching: Okay.

Mr. Kahawai: Since Council will be reading the Resolution at their March 11th meeting it would probably be best to meet after that - maybe on March 19th?

Chair Kauai: Okay, that day is good for me.

Ms. Ching: On a side note, I have a new Commissioner who will be interviewed by Council next week and it's Laurie Yoshida.

Mr. Ono: The 19th is good for me as well.

Mr. Crowell: Okay.

Mr. Rainforth: March 19th is good.

Chair Kauai: Okay, so same time at 9:00 a.m. Okay, our next meeting will be on March 19, 2020 at 9:00 a.m. same location.

Ms. Ching: Do you want us to invite the Water Department and Public Works?

Chair Kauai: Yes, it would be nice to hear from them. Is there anything else you guys need from Ellen or staff? If not, I'll call for the question to adjourn the meeting.

ADJOURNMENT

Chair Kauai: I need a motion to adjourn the meeting.

Mr. Crowell: Move to adjourn.

Chair Kauai: Is there a second?

Mr. Kahawai: Second.

Chair Kauai: All those in favor, please signify by saying say. Opposed. Hearing none. The motion to adjourn carries 5:0.

On a motion made by Mr. Crowell and seconded by Mr. Kahawai the motion to adjourn the meeting. At 10:07 a.m. the meeting adjourned.

Submitted by:
Mercedes Omo
Commission Support Clerk

Approved as amended on: ***July 20, 2020***

Trinette Kauai
Chair Salary Commission