

SALARY COMMISSION
COUNTY OF KAUAI
Piikoi Building, 4444 Rice Street, Suite 300
Kaua‘i, Hawai‘i 96766

MINUTES OF THE COMMISSION’S SECOND TELECONFERENCE
JULY 20, 2020 MEETING

ATTENDANCE

Chair TrINETTE KAUI, Vice Chair KENNETH RAINFORTH; Commissioners ROBERT CROWELL, LELAND KAHAWAI and PATRICK ONO.

Also present: Boards and Commissions Administrator ELLEN CHING; Support Clerk MERCEDES OMO and Deputy County Attorney ANDREW MICHAELS.

CALL TO ORDER

Chair KAUI called the meeting to order on Monday, July 20, 2020 at 9:11 a.m.

ROLL CALL TO ASCERTAIN QUORUM

Chair KAUI: Can I get a roll call to ascertain quorum?

Ms. OMO: Commissioner YOSHIDA.

Ms. YOSHIDA: Present.

Ms. OMO: Commissioner ONO.

Mr. ONO: Present, thank you.

Ms. OMO: Commissioner KAHAWAI.

Mr. KAHAWAI: Present.

Ms. OMO: Commissioner CROWELL.

Mr. Crowell: Present.

Ms. Omo: Vice Chair Rainforth.

Vice Chair Rainforth: Present.

Ms. Omo: Chair Kauai.

Chair Kauai: Present.

Ms. Omo: Also in the meeting is Deputy County Attorney Andrew Michaels and Boards and Commissions Administrator Ellen Ching.

Mr. Michaels: Present.

Ms. Ching: Present.

Chair Kauai: Okay, first of all, I would like to welcome our new Commissioner Laurie Yoshida. Is this your first meeting Laurie?

Ms. Yoshida: Yes, my first full real meeting.

Chair Kauai: Did you get sworn in and all of that good stuff? Did we miss it?

Ms. Yoshida: I went to the County building to sign my papers and take my oath.

Chair Kauai: Okay, we owe you a lei next time. But welcome on-board and thank you for serving. I think that with you on-board it's a nice even make-up of our board, so thank you for sharing your expertise like you always do with your other boards, so thank you.

TESTIMONY

Chair Kauai: Do we have any public testimony Mercedes?

Ms. Omo: None, Chair.

Chair Kauai: Do we want to discuss our next meeting date now? What do you guys want to do? Do you guys want to wait until the end and see?

Mr. Crowell: I suggest that we wait until the end.

Chair Kauai: Okay.

Vice Chair Rainforth: I agree.

APPROVAL OF MINUTES OF FEBRUARY 13, 2020

Chair Kauai: Okay, we'll select our next meeting date at the end of this meeting. I would like to call for approval of the minutes.

Vice Chair Rainforth: So moved.

Chair Kauai: I have a motion. Do I have a second?

Mr. Kahawai: This is Commissioner Kahawai and I second the motion.

Chair Kauai: Thank you Commissioner Kahawai. For the discussion part, I had a couple of changes Mercedes. On page four (4) regarding my statement instead of the word siphon it should be stipend.

Ms. Omo: Okay, thank you.

Chair Kauai: Then on page twelve (12), the very last paragraph regarding my statement where I said "this is very creative" instead of revenue neutral it should be budget neutral. That's all for me, as far as any changes.

Ms. Omo: Okay, thank you.

Chair Kauai: I guess, I need to call for a motion to approve the minutes of February 13, 2020 as amended. Ellen?

Ms. Ching: Can you ask the person who made the motion to withdraw their motion and agree to amend the motion and the second would have to do the same.

Ms. Omo: Vice Chair Rainforth, can you withdraw your original motion, then make a new motion to approve the minutes as amended.

Vice Chair Rainforth: I withdraw my motion.

Mr. Ono: Mercy, just one thing. Does it really matter if we correct our names as well?

Ms. Omo: Absolutely.

Mr. Ono: Okay, on page seventeen (17) change the name from Ms. Ono to Mr. Ono.

Ms. Omo: Got it.

Chair Kauai: Okay, I need a motion to approve the minutes as amended.

Vice Chair Rainforth: I move to approve the minutes of February 13, 2020 as amended.

Ms. Ching: Chair, can the person who seconded the original motion withdraw as well.

Mr. Kahawai: Okay, I withdraw my second and I second the motion to approve the minutes as amended.

Chair Kauai: Okay, all those in favor, please signify by saying aye. Opposed. Hearing none. The motion carries 6:0. Okay, the next order of business is item 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 Kaua‘i County Code for Fiscal Year 2021/2022.

Chair Kauai: This has been an on-going business item so I would like to open up the floor for any comments or suggestions.

Ms. Ching: Chair, if I may make a comment.

Chair Kauai: Go ahead, Ellen.

Ms. Ching: For our new Commissioners, I just wanted to give you some of the parameters of the Salary Commission and the main duty of the Salary Commission, is to come up with a salary resolution and deliver it to the County Council by

March 15th. There have been Salary Commissions that have decided not to send over a salary resolution, but it all depends on the economic climate as well as a variety of other things.

Just too sort of provide some context of where the Commission was prior to the COVID-19 pandemic, the Commission's thought was to take this next year and do a deep dive on the departments and their respective department heads as to what their responsibilities are and to really look at coming up with a comprehensive salary resolution in 2021. Obviously, no one predicted the COVID-19 pandemic and the huge changes and challenges it would bring, but I just wanted to give you some context and refresh everyone as to where we are at and where we left off.

The two (2) salary resolutions that were presented to the County Council one for the Police Department to allow the person who is going to fill the Deputy Chief's position to be able to keep their current position salary; that resolution passed Council. The second resolution was to provide a \$600 per month stipend to the county attorneys who had outstanding student loan; that resolution did not pass. So as a recap, the Salary Resolution for the Police Department passed and the Salary Resolution for the County Attorney's office did not pass. Thank you Chair.

Chair Kauai: Thank you, Ellen for that update. With that said, I would like to entertain any comments from the Commissioners with regard to your feelings as to how we should establish salary caps going forward.

Mr. Crowell: I have a question for Ellen. Ellen, what was the reason Council did not approve the County Attorney's Resolution.

Ms. Ching: Based on the discussion and the comments that I heard during the hearing various councilmembers felt that because the proposal by the Police Department was budget neutral they felt comfortable in passing the Resolution. You know for the County Attorney's office – the context of the office was that they were having a very difficult time recruiting – I mean, they had five (5) vacancies and so they had to go to Council to ask for funding to contract services outside of the County. For me, this was a very creative way; outside of the box thinking and a way to hopefully attract people to those positions to help stabilize the office. The only comment that I recall was their feelings of – okay, if we approve this what about the county engineers and what about the other professional fees. Council was concerned about setting a precedence and opening the door.

Mr. Crowell: Okay, thank you.

Chair Kauai: Thank you Commissioner Crowell and Ellen. Are there anymore comments or questions?

Mr. Crowell: I have a comment and a suggestion. The reason I asked about the County Attorney is because I was wondering how strong Matt is reacting to the denial and if he thinks it might be good for us to entertain the same resolution again this year, if we decide to do it. Honestly, I do not see us going in for anything and for anyone else knowing the economic conditions. I'm pretty sure that the County of Kaua'i is in a bad economic state just like the rest of the state, so I don't see us going in for any type of increase or anything else. I was just wondering if anything we might want to consider trying again for Matt, especially if he's having the same problem where he would have to go Council ask for money to contract out, so maybe Council might see that the \$600 a month would help to retain people. I am somewhat leery about that too, but that would be my only suggestion. That's it for me.

Chair Kauai: Thank you Commissioner Crowell. I have a question, Ellen. What if we wanted to do something like that – what about timing? With the elections coming up and having new councilmembers. Would it be prudent for the Commission to entertain that at this time or should we just turn in something next year.

Ms. Ching: You know things can change very rapidly. I just saw an article this morning about the dire economic forecast of Hawai'i's economy needing ten (10) years to recover. So I feel that the best chance to provide that stipend to the County Attorney's office would have been this year. They have filled quite a number of positons already, but I would defer the question to our Deputy County Attorney Andrew Michaels. Andrew, have all of the positons been filled in the attorneys office?

Mr. Michaels: I know that they have been interviewing candidates and I believe that there are still some vacancies, but I would really have to check with Matt because I am not on the interviewing committee.

Ms. Ching: Okay.

Mr. Crowell: Chair, just one more quick question. Do not get me wrong, but I was not looking at entertaining that immediately, I was talking about is if we do

submit something on March 15 2021 that would be a possibility. I'm not talking about anytime soon.

Chair Kauai: Okay, sorry, understood.

Ms. Ching: Yes. I feel that given the situation the state is in, whatever affects the state will certainly affect the county and it would be extremely difficult if not politically impossible to send over a salary resolution in the hopes that it would be passed. I will say that having worked in the private sector the majority of my life, I can tell you that COVID-19... I would like to go on the record to say that COVID-19 has certainly increased the amount of work for all of the Department Heads and their Departments. They have really stepped up and have been doing and are continuing to do an amazing amount of work to move the county forward even during the different circumstances. It has been a lot more work than their normal work load which is sizable. I believe that given the economic outlook for the state and this county, I don't see having a salary resolution that we could look forward to having a positive outcome of it passing.

Chair Kauai: I agree.

Mr. Ono: Chair Kauai, I do have a comment as well. I do understand the dire economic conditions that mostly likely would be continuing as we move forward. However, I do believe that we should not stop our deep dive into each of the departments to establish somewhat of an understanding amongst us as a Commission with respect to each of the departments.

Chair Kauai: Thank you Commissioner Ono. Anymore comments or suggestions?

Vice Chair Rainforth: I think that we should keep our options open because we don't know what kind of unique proposals a Department Head may bring before us to help their department. We have at least six (6) months before we even have to consider putting together a resolution. So, I think it would be inappropriate to say we're not going to submit a resolution. Thank you.

Chair Kauai: Thank you, Commissioner Rainforth. Is there anybody else who would like to make a comment? Okay, if not, what would be your folk's preference as far as moving forward?

Do we want to look at the matrix that Mercedes gave us on the amount of county employees as of June 30, 2020 and the county's budget for fiscal year 2020-2021?

Do we want to set a date and request for more information so we can do a deep dive? I do not know if you folks are comfortable with doing our meetings on Teams and I do not know how long we have to do this until we can meet in person.

Ms. Ching: Chair, if I may make a comment. All of the other commissions have been meeting on Teams to make sure we do social distancing. I can assure you that we will continue to meet on Teams for at least until the end of the year and maybe pass that. My projection is that we will continue to meet on Teams certainly for the rest of this year, if not, all the way to March 2021.

Chair Kauai: Okay.

Ms. Ching: There's a couple of things, if the Commissioners would like more information on each of the different Departments I will be more than happy to hear your suggestions and if you could give me some direction on what the Commission would like to start off with like the Departments that have the largest budget I can ask them to come before the Commission and do a presentation on their background. I can certainly arrange for that.

Chair Kauai: Okay, thank you Ellen. Commissioners do you folks have a preference on what kind of information you would like for Ellen to gather?

Mr. Ono: I understand that Chair Kauai and Ellen wanting to start with possibly the largest Departments first, but it would also make sense for us to consider the opposite and maybe start with the smaller Departments to give us better way of questioning or ways we can put together a more solid structure before we get to the larger ones.

Ms. Ching: I'm happy to do either or. I just need some direction from you all.

Chair Kauai: Ken is your hand still up or you forgot to put it down?

Vice Chair Rainforth: I had my hand up before.

Chair Kauai: So right now, the question that is what kind of information do we want Ellen to gather before our next meeting so we can take a look?

Mr. Ono: Chair Kauai, if I may. I think the most important things for each department would be...aside of the Department Heads there are Departments with

different positions that fall under the Salary Commission purview so maybe a detail list of those positions of each of the individual Departments.

Chair Kaui: Okay.

Ms. Ching: Commissioner Ono would a flow chart for each individual Department suffice and that the Commissioners can go through it.

Mr. Ono: Yes, I would like the County Attorney to provide relative information on the different counties as well as the market, if at all possible.

Ms. Ching: Commissioner Ono, do you mean the market rate on attorneys and you want a comparative pay rate for the various counties?

Mr. Ono: Yes, the counties for comparative pay rate would work, thank you.

Ms. Yoshida: Patrick, is it only for the attorneys or for all?

Mr. Ono: It would be for all and whatever Departments we are reviewing in the order that we choose. I mentioned the attorneys because that was one of the...that and the police because we did a deep dive most recently and the attorneys office provided a lot of information which made it easy for us to decipher and they answered a lot of questions that each of us had so that was just an example, so yes we would be looking at each Department individually.

Ms. Ching: Typically the report that I would ask for from HR is a comparison across counties as well as the state so I'll just go ahead and ask for that and included in that would be the County Attorney's office for each county as well as the State AG.

Chair Kaui: Okay, thank you Commissioner Ono. Ellen, I have a question. You know, I'm not sure if the salaries got adjusted on July 1st so we can get an update on the most recent salaries for all of the different positions.

Ms. Ching: Sure.

Chair Kaui: Thank you. Is there anybody else who would like to request for information? If not...oh, go ahead Ellen.

Ms. Ching: When I look at the chart...I am not going to count the auditor's office because that office is not currently staffed and so if I take it out its eighteen (18) departments. I am looking at Liquor, Emergency Management and the Office of Elderly Affairs, I would also be asking those Departments to provide an organizational chart reflecting their different the positions. Are there any other specific things that the Commissioners would like to hear from the Departments?

Chair Kauai: Any requests from the Departments, Commissioners?

Mr. Ono: If it would be possible, maybe a presentation by the Department Heads, to give us a general idea about their Department just to have a conversation.

Ms. Ching: Yes, I was just thinking about asking them for their Org. Chart and for them to be prepared to give an overview of their Department and I want to limit it to – how do you all feel about giving them five (5) to ten (10) minutes?

Chair Kauai: I think that is good Ellen.

Ms. Ching: Okay, and that should leave you with enough time to ask questions if you have any questions.

Mr. Kahawai: Ellen, this is Leland. Can we add a fourth Department?

Ms. Ching: Sure.

Mr. Kahawai: I'm looking at the Office of Economic Development. It's the next highest budget. I'm just curious because they have a total of eight (8) employees with a much higher budget. So, that would be something that I would like to look at.

Ms. Ching: Sure. Okay, for your next meeting – I just want to make sure that we are on the same page. I'll be asking Liquor, Emergency Management, Office of Elderly Affairs and Office of Economic Development. I will be asking those four (4) to do a five (5) to ten (10) minute overall presentation of their Department and to provide you with an organizational chart. Are there any other suggestions?

Chair Kauai: Okay, if you folks do not have any other suggestions or comments, I guess our next order of business is to set a date for our next meeting. Ellen, how much time you think we gotta give them too...maybe October?

Ms. Ching: No, you should go ahead and schedule your monthly meetings because they should be able to provide that information and I will also be putting in a request to HR and if they cannot get to you by next month; they certainly will do it for the month after. But their pretty fast.

Chair Kauai: Okay.

Ms. Ching: The one request I have Chair is for the Commission not to meet on Monday's because that is normally when the Mayor has his staff meeting, which I attend. I played hooky this morning and I do not want to make it a regular practice.

Chair Kauai: Right. Okay, in the past we had our all meetings on Wednesday or Thursday's. Does Thursday's work for everybody pretty much?

Ms. Ching: Thursday's do not work for me because we had to move all of our Friday Commission meetings to Thursday's so every Thursday I have two (2) commission meetings.

Chair Kauai: What about Wednesday's?

Ms. Ching: The one Thursday that I don't have a commission meeting is on the 4th Thursday's, but that would be hard for Mercy because she has Police Commission meetings in the morning and then...so the only available meeting time would have to be later in the afternoon.

Chair Kauai: I have a long meeting that afternoon too on the 24th. What about Wednesday, September 16.

Ms. Ching: I have County Council; are you looking in August?

Chair Kauai: No, September. Sorry, I am looking at September already. How about Wednesday, August 26, 2020?

Ms. Ching: Yes, that would work.

Chair Kauai: Okay, is 9:00 a.m. Wednesday, August 26 everybody. Is your calendars open?

Mr. Kahawai: Works for me.

Ms. Yoshida: This is Laurie. That works for me.

Ms. Ching: Can we set it for the fourth Wednesday? Cause council does not meet on the fourth Wednesdays.

Chair Kauai: So that would be on the 26th – 9 a.m. on the 26th.

Ms. Yoshida: Ellen, are you saying the fourth or the last? The only reason I ask is that September has five. I think she wants to set the meeting regularly.

Ms. Ching: I am thinking the fourth.

Ms. Yoshida: So, 23 in September. Okay.

Ms. Ching: So it would be the 26 and then the next one would be September 23.

Chair Kauai: Okay, so right now, let us set our monthly meetings on the fourth Wednesdays of each month. I guess...maybe we will skip December 23 because it gets crazy around that time.

Ms. Ching: Yes, I would prefer to skip December because everybody has many family things that their doing.

Chair Kauai: Right. Okay, our next meeting will be on Wednesday, August 26, at 9 a.m. via Teams. I hope that my mic will be working by then. Do we have to go into executive session, Mercedes?

Ms. Omo: No.

Chair Kauai: Okay. Does anybody have questions, concerns or comments before we adjourn our meeting? If not, thank you everyone for being so accommodating and patient as we try to navigate through all of this during COVID. I hope all of your families are okay and safe and all is well with you and your businesses. If we don't have any further business, I would like to adjourn the meeting. I think we need a motion. Patrick is waving his hand.

Ms. Yoshida: Second.

Chair Kaui: Thank you Commissioner Yoshida for your second. Everybody say aye. Opposed. Hearing none. The motion carries 6:0.

At 9:52 a.m., the meeting adjourned.

Submitted by:

Mercedes Omo, Support Clerk

Approved as circulated:

Approved as amended on August 26, 2020.

See minutes of August 26, 2020 meeting

Trinette Kaui, Chair Salary Commission