

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

APPROVED MINUTES OF THE COMMISSION’S THIRD
TELECONFERENCE AUGUST 26, 2020 MEETING

ATTENDANCE

Chair Trinette Kauai and Commissioners Robert Crowell, Leland Kahawai, Patrick Ono and Laurie Yoshida.

Also present Boards and Commissions Administrator Ellen Ching; Support Clerk Mercedes Omo; and Deputy County Attorney Andrew Michaels.

CALL TO ORDER

Chair Kauai: Welcome everybody. I would like to call the Salary Commission meeting to order and I would like to thank everyone for attending. We do have a quorum this morning. Commissioner Rainforth is not feeling well and will not be attending today.

PUBLIC TESTIMONY:

None.

ROLL CALL TO ASCERTAIN QUORUM

Chair Kauai: Can I get a roll to ascertain quorum?

Ms. Omo: Yes. Commissioner Yoshida, Commissioner Ono, Commissioner Kahawai, Commissioner Crowell and Chair Kauai.

Ms. Yoshida: Here.

Mr. Ono: Present. Thank you.

Mr. Kahawai: Present.

Mr. Crowell: Present.

Chair Kauai: Present. Thank you.

Ms. Omo: Okay, we have a quorum.

Chair Kauai: Thank you.

NEXT TELECONFERENCE MEETING DATE

- 9:00 a.m. Wednesday, September 23, 2020

Chair Kauai: About our next meeting, we are going to hold off until the end of the meeting than we discuss the date. Okay, let us move on to the approval of the minutes from our open session meeting on July 20.

APPROVAL OF MINUTES

- Open Session Minutes of July 20, 2020 Meeting.

Chair Kauai: I assume everyone got the minutes from Mercedes and I hope you all had a chance to review it. Do you have any comments, questions or changes?

Mr. Ono: I found two (2) corrections; the first is on page six (6), second sentence. I think Commissioner Crowell meant to say, "How strong Matt reacted to the denial" instead of "how strong Matt is relating to the denial".

Ms. Omo: Okay, your correction is noted.

Mr. Ono: Okay, then on page seven (7), second sentence, where I said, "I do understand the dire economic conditions that most likely would be cutting as we move forward. I believe that the correct word should be continuing and not cutting.

Ms. Omo: Okay, got it, thank you.

Mr. Ono: Thank you.

Chair Kauai: Okay, are there any other changes? If not can, I have a motion to approve the minutes as amended.

Mr. Ono: So moved.

Ms. Yoshida: Second.

Chair Kauai: Okay, Commissioner Ono and Commissioner Yoshida who seconded. All those in favor of the motion, please indicate by saying aye. Opposed. Hearing none. Motion carries 5:0. Okay, let us continue to our next order of business and that is SC 2020-4.

BUSINESS

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)

General overview by the following Department Heads:

- (a) Director Annette Anderson, Department of Human Resources.
- (b) Director Nalani Brun, Office of Economic Development
- (c) Acting Director Cecilio Baliaris, Department of Liquor
- (d) County Attorney Matthew Bracken

Chair Kauai: This has been on going in regards to our discussion. We would like thank the Department Heads who are here today. They will be presenting information in regards to their organizational chart and if they did provide salary information, we thank all of you for doing that. Mercedes is there a particular order that you would like us to proceed, or do we just go down the list.

Ms. Omo: Just go down the list.

Chair Kauai: Okay. Do we have Annette Anderson from Human Resources? Annette are you here.

Ms. Anderson: Yes, I am. Good morning.

Chair Kauai: Good morning, Annette and thank you for coming before us today.

Ms. Anderson: So you have the ORG chart that I submitted. Okay, just a brief background. I have been here now for six months, I started in the middle of February, and I would say in the beginning of March it became everything COVID so Human Resources since that time has just been working on everything COVID as you can imagine. However, we are moving forward with improving on the services we provide. As noted in our ORG chart, the largest division is payroll and we expect in the future as we continue to be moving towards a more centralize payroll division to which will include more positions to assist the other departments.

However, just to go over briefly what the different divisions do, we have under the Human Resources Manager Janine Rapozo we have the classification and pay section and we have labor relations and negotiations. She also oversees the recruitment division, which is a very important division to have. We also have our HR Manager Jill Niitani, she oversees the administrative services division, which handles those many different personnel transactions like workers comp, employment, staff development, on-going investigations, and she oversees the employment development, health, and safety that consist of training, equipment training and safety training. As mentioned, we have our payroll division and we also have in that division an accountant that deals with our budget issues and then we also have the EEO and ADA coordinator position that also handles investigations as needed and I have a private secretary under me as well. So we have a total of 21, 22 positons if you look at the most recent work chart, and again, in the future we will probably be bringing over some other positions into payroll to assist while we expand payroll services county wide; taking over the other departments payroll services. Are there any questions?

Chair Kauai: Are there any questions for Annette, Commissioners?

Mr. Crowell: Yes, this is Bob Crowell. What departments do you have payroll for and which ones are you looking at acquiring in the future?

Ms. Anderson: So, we have a number of them already, we just recently taken over Finance, Parks, and Recreation Departments. What we are looking to do is, in the future and we are actually having folks trained up right now. The biggest Department is the Police Department, it is very large and it takes a lot of training. The person who is there now has been doing it for many, many years and is one of those people that (you know) are so important to the county because they have such an extensive knowledge base and we need to make sure that that transfer of knowledge occurs.

Therefore, we have started to train our payroll folks so we can eventually bring over that very large Department. I am not going to be able to go down the list of whom we are doing right now. I know that Janine is on the line and she knows the list of all the current smaller offices that we are doing and I rely on her to (inaudible).

Ms. Rapozo: Hi and good morning, this is Janine Rapozo. It might be easier for me to tell you what we do not do right now, and as Annette have said, we do not do police, water, public works, housing and office elderly affairs. When I say we do not do it, we still do central payroll to close out the payroll and the paychecks and all of that.

What we don't do the actual data entry for the timesheets, which we recently brought over Parks and Recreation and Finance and a couple of years before that we brought fire over as well. What we are trying to do is bring pretty much everything under HR so that we can have standardization in how the contracts are being administered and people are being paid. Nevertheless, we always had the central payroll in our office and we still do; we just do not have that first step which is the data entry, which is the Departments that I just mentioned. I believe there are 18 different Departments and we are doing 13 right now

Mr. Crowell: Thank you. That is a big undertaking. That is unreal.

Chair Kauai: Thank you Janine for that and Annette. Are there any other questions for either Annette or Janine?

Ms. Yoshida: I actually have a question. This is Laurie Yoshida. So, as you folks are taking over those Departments payroll functions and you are going to add staff, I am going to assume you are going to transfer their payroll clerk type of people over, if they want move. I know there is a process. If they are doing payroll whether there in HR or police (as an example) or public works are they still going to be classified that same for salary purposes. Is a payroll clerk- whatever their title is in each Department the same.

Ms. Anderson: I will answer first and then Janine can follow-up to either add to or correct what I say. We brought over for instance a vacant position from one of the Departments and then we recruited and filled it with a payroll position, right? We got the position from the other Department. As we move forward, we're going to look and see when we will need to bring another position over, if that is in fact available; it would then depend on...it's a vacant position that is being converted

to something that is a payroll type of position or whether it's an existing payroll position with a body, right. I also should mention that we are in a permit process for a new big HR MS system and we are hoping to select a vendor in the very near future. So depending on the system that we select and what it can provide for us it may be that that automated system will help us where we don't need so many bodies in the future, but we don't know that yet, so we're kind of in limbo on how many people and positions we would need based upon that.

Janine is there anything else that you think that might be important to add or correct.

Ms. Rapozo: Yes, so what happened with some of the other ones that transferred is usually there is a vacancy when somebody is leaving and so the departments are saying hey, maybe now is the time to take it over. That is what happened with Fire and that is kind of what happened with Parks as well. So we kind of went that way and so we really didn't affect people as much; however, when HR was created a number of years ago, we did transfer people over and we looked at their classification because right now in the various departments you have people from secretaries, accountants to payroll clerks that are doing payroll, so there may be a difference in how it gets transferred. However, we may look at that before we affect the employee negatively; we would not want to do that.

Chair Kauai: Janine, quick question. Are all of the administrative staff members appointed?

Ms. Rapozo: Correct.

Chair Kauai: Okay, thank you.

Mr. Crowell: And this Department does not have not have a deputy director.

Ms. Anderson: That is correct.

Mr. Crowell: Is anyone intending to look at possibly having a deputy.

Ms. Anderson: If it was not for the Covid, Covid, Covid one of my task was bringing to look at the organizational structure. Right now, we have the HR Manager II and the HR Manager III level, but no deputy, so yes; I would be looking at that in the future. I just need a little bit of a breather, which I hope, will come soon.

Ms. Rapozo: Can I add something quick to that? When I was the Acting Director that was something I had looked at, but one of the stumbling blocks was that the salary resolution did not allow for any pay, and so as the Salary Commission looks at a salary resolution regardless if there is a position or not, I'm not sure if you may want to consider deputies in general for certain types of departments because it does handcuff the department if the salary resolution does not indicate what type of salary that deputy would be at.

Chair Kauai: Okay, good to know, thank you, Janine. I have a question for Ellen. In that case Ellen, do we have to revise or introduce a resolution to include a deputy. How would that work?

Ms. Ching: It is funny that you mentioned that because I was listening to Janine's response and we would have to do some research and I off the top of my mind it really is about the salary resolution and could we add positions under the salary resolution or is that a Charter amendment. So I would punt that question to our County Attorney Andrew on that. As I pull up my charter right now. Janine do you have any thoughts on that.

Ms. Rapozo: Deputies are not in the charter so I think you can add those in. Some of the other jurisdictions the way they do their resolution is they have departments bunched up into levels and so regardless if there is a deputy or not, they would say, HR you are at level II so your deputy would fall into this category; if have one or if you don't have one. That is kind of, where the Police Department had taken away their deputy at one point, but it was still on the resolution. Therefore, if they did convert they would know what they would pay the deputy. So you could look at it that way; liquor doesn't have deputy as well, but what if you know, he wanted to look at a deputy, right now, we would need to know where that salary for that deputy would fall. I think what you could do is possibly do your resolution in a way that grouped the different departments that way.

I know that is how the city does theirs; if they are like a Level I, their department heads would all fall under this salary and their deputies (depending) would fall under that salary. So that might be a way to at least be more flexible for the departments without deputies right now, that if things change you wouldn't have to have a special resolution passed right at that point in order for them to proceed with filling that position.

Chair Kauai: Janine is that something like the tiered system.

Ms. Rapozo: That is somewhat how I think the City has theirs – they have theirs kind of in blocks and they have all of their different departments in that block and they will say this is their salary and then maybe another block for that. You know, I think in the past, when Jay Furfaro was the Boards Administrator, he had looked at tiers so those are different ways. I know for your salary resolution, right now you name every single position separately, but you could do it a little more differently and it would show how you grouped them.

Chair Kauai: Okay, thank you.

Mr. Crowell: I think previously, we would wait until the position is established before we would address it. This is an interesting conversation for me. What does it take to establish a deputy position?

Ms. Rapozo: You can put in the budget or if you have a position in the budget that is vacant; for example, you could ask the Director of Human Resources that you would like to convert that into an exempt deputy position. It can happen anytime during the year, usually it would happen during budget so that it is actually in the budget. But at that point, even when you're trying to do a budget you really wouldn't know what the funding level would be because there's nothing in the salary resolution to give guidance as to what to put into the budget. It would be like putting the cart before the horse, but in my mind, if you can at least have a distinction of if you have a deputy this is where the salary would be besides it would be helpful for the departments moving forward.

Chair Kauai: I have another question Janine. Do the other counties have deputies?

Ms. Rapozo: Yes, for HR, yes they do.

Chair Kauai: Okay. We can look at their salaries.

Ms. Anderson: I have a question for Janine. If there were a deputy would it be me as the Director or whoever sits in this seat would be the one that would appoint a deputy and not the Civil Service Commission right? It would be the director.

Ms. Rapozo: That is correct.

Ms. Anderson: Okay.

Ms. Rapozo: Yes. Commissioner Kauai just to clarify, the deputy for the City is a civil service position, but it is an appointed position in Maui and the Big Island.

Chair Kauai: Okay, good to know. Thank you. Are there any other questions?

Mr. Crowell: Janine, so for the deputy for the City, is their salary controlled by the Salary Commission and not by civil service.

Ms. Rapozo: No, it runs through the civil service process and not by the Salary Commission.

Mr. Crowell: Janine, for the City is the salary controlled by the salary commission and not by civil service or some other...

Ms. Rapozo: No, it runs through the civil service process and not by the Salary Commission.

Chair Kauai: Commissioner Crowell she said that the deputy is a civil service position for the City and Maui and the Big Island are appointed. Any other questions. Ellen is Matt on the line, or do is our counsel on the line.

Ms. Ching: Andrew is on the line.

Chair Kauai: Andrew are you on the line.

Mr. Michaels: Yes, I am here.

Chair Kauai: I am not sure if you can answer now or maybe for our next meeting to kind of look into how we can address the question about having a deputy director for HR.

Mr. Michaels: I will look into that and do some research for the next meeting.

Chair Kauai: Okay, thank you Andrew.

Mr. Michaels: No problem.

Ms. Ching: Chair, I have one more question for Janine. Let's us say the position is a civil service position the salary would not be set by the Salary Commission right, it would be based on the civil service and what unit they would come under right?

Ms. Rapozo: Yes, if it were a civil service position it would not fall under the Salary Commission, correct.

Ms. Ching: In some ways, the Salary Commission has seen many Departments struggle with trying to find a deputy because the salary set by the commission does not necessarily keep pace with the civil service position. Is there any thinking from the Department as to the preference on whether it should be a civil service position or appointed by the Director.

Ms. Rapozo: I think Annette can answer that question.

Ms. Anderson: I recognize that the issue and that I think is a common issue; it is not unique to HR. There are pros and cons no matter which way you look at it, so if you are civil service even though you are excluded from the bargaining unit you are nearing the collective bargaining agreement as far as salaries and depending upon your length of service, you may very well be making more money right.

I will say that because it's civil service, it is more of a permanent position and if you look at a deputy that would be non-civil service, then you're looking at probably more turn overs when there is a change in a Director or what have you. So there are pros and cons both ways. The level of excluded managerial right now is to my understanding...the island of Kaua'i does not have high enough level – basically, you would be entitled to overtime, and I kind of struggle with that because from where I came, I had high level managerial people that were over the salary threshold and they were not entitled to overtime. However, here most excluded managerial are in the category where they would be entitled to overtime and so there are a lot of different issues and considerations that need to be made. Thank you.

Chair Kauai: Okay, thank you. Are there any more questions for Annette or Janine? If not, thank you ladies for your presentation, we really appreciate it and we look forward to hearing from you folks if you have any more questions or concerns, please let us know. Okay, we would like to move on to Director Nalani Brun, Office of Economic Development. Nalani, are you there?

Ms. Brun: Aloha.

Ms. Yoshida: Hey, Nalani.

Ms. Brun: Hi. Good morning, Chair Kauai and Commissioners. Okay, so just reviewing the Office of Economic Development. Our vision is to support a strong economy, which is difficult right now. Our focus is on the visitor industry, agriculture, sustainability, energy, business, business innovation and film.

We support other projects like workforce and best opportunity act. In our office, we focus all our efforts on these sectors, although we do bounce around and grab new things as they come in. Whether it comes in through business innovation or agriculture much of our team cross work where the AG person would help the film person or the film person is helping with the grants. We do not restrict ourselves to a very regular type of routine day every single day. The only people who can work here does not like routine because that is all they are going to get every single day.

We have four (4) positons; we have a Specialist IV and their first primary area is agriculture – we have Marty Amaro. Sustainability and Energy is Ben Sullivan who has been here a very long time. The Workforce Investment Opportunity Manager is Dan Fort. We have an office upstairs that does the general economic work, but we also we a tie to the American Job Center which is down (as you would notice) where the old fish bowl use to be and that office houses contractors, workforce development division. The center is called Hale Kōkua and I think some other services are also in there. We really want to make that because of Covid all about workforce and trying to get our people back to work, so we are concentrating all of our efforts back down there where we weren't six (6) months ago.

Then we also, have (which is new) our Business Invocation Coordinator and this person starting about a year ago so they are up and running as fast as they can...it's long overdue in the Office of Economic Development that we now have someone concentrating solely on business in general and business invocation. So that is four (4) of our specialists. We work closely with our Film Commissioner who is currently under the Mayor's Office and that is in a separate department, but we basically, all hold hands together any day of the week. To support this program specialist, we have two (2) Program Specialists III, Melissa and Theri and they have a primary program that they have to run and they have to do all of the administrative stuff and everything else to help the program managers. So they concentrate on the Kaua'i Made; the coordination of that program because it has gotten very big and the Farmers Markets because it takes a lot of work.

We also (of course) have an accountant who has to be inept in managing all kinds of grants, he's funded half time by the county and the other half by two (2) grants

that we have. One from the Hawai'i Tourism Authority and partially from the workforce community act, so he is a combination of funding. We also recently brought on a Special Projects Assistant and that's using our – what we had prior was our Sunshine Market monitor, which obviously, we don't have a lot of sunshine markets happening right now. So it shifted over, the person helps us with the visitor industry projects and the other work we have to do because we are committed to help the Hawai'i Tourism Authority with their projects. She also helps the Mayor's Office with phone calls are Covid related, as well as other projects that pops up.

Moving forward, we are still looking to hiring a person to focus on the visitor industry because we really want to turn the ship on that one and get a handle on the management of it versus letting it go wild. We are very soon, bringing on a temporary hire, which is a workforce coordinator to help us with the "Rise to Work Program". The person would help at the American Job Center to try to stand-up 200 jobs (which is going to be hired from the outside) and to make sure that the coordination is happening and that we are managing the furloughed workers.

For agriculture, the important primary things are data, building partner strengths, secure funding and project management. For the visitor industry, we are focusing on learning how to manage the visitor industry, the tourism strategic plan and our HTA partnership. Sustainability there is climate change, energy use, partner's co-op; Ben is our biggest data collectors. Business invocation (again) it is collecting data, support businesses, growth for businesses to try to turn small businesses into medium businesses and medium businesses to larger businesses.

In addition, we have on contract a business invocation coordinator to figure which businesses can make the jump (inaudible) that we assign to them to help them try to make that jump. In addition, of course is the Film Commissioner who is in the Mayor's Office working on trying to build our capacity to take on more film. We handle all of the film permitting and she has been handling all of the RFP's for us because we have been given a lot of Cares Projects (10 million dollars' worth) so we are working hard to push those projects out, things had to shift as far as duties during this time. That is about it.

Chair Kauai: Thank you Nalani. Any questions for Nalani, Commissioners. I have a quick question, who is your business innovation specialist.

Ms. Brun: Diana Singh.

Chair Kauai: Thank you. You got your hands full.

Ms. Brun: Oh, yes.

Mr. Crowell: Nalani, I have a question. I see on your ORG chart that you have many positions that have E's before the position number. Is that because they are exempt positions or are they civil service positions.

Ms. Brun: They are all exempt. Everyone at the Office of Economic Development are exempt.

Mr. Kahawai: I have a question Chair. This is Leland.

Chair Kauai: Sure.

Mr. Kahawai: I am looking at the Executive Salary Comparisons, but I do not see one for an Economic Development position. Are we missing that or am I not looking at it correctly.

Chair Kauai: Is this the Org Chart?

Mr. Kahawai: No, it is the Executive Salaries Jurisdiction Comparison sheet. Not for Nalani, it is more for Mercy or Ellen.

Chair Kauai: I think it is for Ellen.

Ms. Ching: Leland.

Mr. Kahawai: Yes.

Ms. Ching: If you look at the chart, it's right below – you have the mayor, the managing director, B&C administrator, and then OED.

Ms. Omo: Commissioner Kahawai, it is right under the mayor.

Ms. Brun: We are part of the Mayor's Office.

Chair Kauai: I think Leland is looking at the Executive Salary Jurisdiction Comparison sheet of all of the other islands.

Mr. Kahawai: Salary comparisons.

Ms. Ching: For the different counties.

Chair Kauai: Correct.

Ms. Ching: Got it. If you look at that chart; third to the last line where it says Research & Development Economic Development.

Mr. Kahawai: Okay, gotcha. I was looking for Economic Development. Thank you.

Ms. Yoshida: But for Kaua'i it's blank. Is there a reason for that?

Mr. Kahawai: That is for the deputy.

Ms. Yoshida: I am, I on the deputy line?

Mr. Kahawai: Yes, one sheet was for the director and the second sheet was for the deputy.

Ms. Yoshida: Okay. Let me look.

Chair Kauai: I see what you are looking at Laurie and I do not see one for Kaua'i neither. All right, is there any more questions for Nalani? Thank you Nalani, Aloha.

Ms. Brun: Thank you.

Mr. Ono: Thank you for helping with Covid Nalani.

Ms. Brun: Thank you guys.

Chair Kauai: Okay, let us move on to Acting Director Cecilio Baliaris, Department of Liquor. Cecil are you on the line.

Mr. Baliaris: Yes, I am. Good morning.

Chair Kauai: Good morning, how are you doing?

Mr. Baliaris: Okay.

Chair Kauai: Good. Okay, Mr. Baliaris take it away.

Mr. Baliaris: Right now, I am the Acting Director and our Liquor Commission people; I divided them into three (3) sections. To start, I have a private secretary that I inherited when I came on-board. As for the administrative section it consist of a senior clerk, a senior account clerk and an 89-day hire assistant. The senior clerk and the senior account clerk are both fulltime positions. The 89-day contract worker positon is funded using the senior clerk positon that is open at this point.

Going down to the enforcement section, Investigator III Ken Herman has been temporarily assigned to Investigator IV. The other three (3) Investigators are Lawrence Stem Investigator II, John Ferry Investigator I and Reid Yoshida Investigator Trainee. They are the people who goes out at night to check on all of our licensees to make sure that everyone is abiding to the liquor rules and laws enacted. Ken Herman is their supervisor and assigned to the office, and all of them are permanent salaried positions.

We are also enforcing the COVID-19 rules and what I mean by enforcing is we just go in check and if there are any violations, what we do is we warn the licensee and if it persist we would submit a report to the Mayor and he can take action as permitted. We do not enforce COVID-19 rules because we only enforce the HRS (Hawai'i Revised Statutes), that's what we come under and that's the only rules or laws that we can enforce. We can enforce the rules that are come from the Liquor Commissioners (inaudible) and all that.

As far as the administration and some of the other duties, Investigator IV Ken Herman and some of the other investigators recently completed the Gross Liquor Sales Report for the year and in doing so, we came across some licensees that were closing down permanently and had already closed down.

Mr. Herman: There were seven (7) total.

Mr. Baliaris: Yes, seven (7) business is closing down permanently. We do have one that is considering and that is Smith's Tropical Garden. If nothing happens in the future, they will be closing down. On the side of that, that is what we do and we are a very small office. We also do license renewals but because of the COVID-19 pandemic some of the licensees; we really had to get down because they closed and we didn't have any addresses and phone numbers to contact the

people on the mainland so that made things very hard for us, but we got through it and we finished it. That is about it as far as our Department.

Chair Kauai: Thank you Cecil. Are there any questions from the Commissioners? For Mr. Baliaris.

Ms. Ching: Chair.

Chair Kauai: Yes.

Ms. Ching: I think it would be important for Cecil to talk about how he's Department is funded because it is very different from every other department.

Chair Kauai: Okay.

Mr. Baliaris: Yes, we are self-independent and it depends on the licensees – if they don't renew their license we don't get paid and that's one of the main reasons why we hustle to get the renewals. All the licensees and fees; and sometimes when there is a violation those fees count as our salary. Violations when they happen part of the monetary payments that are made because of the violations goes back to the licensees as far as the training and some of the pamphlets that we hand out to the providers on drinking and all that. Nevertheless, we are self-sufficient and we depend on the license fees and that in essence is like we depend on them and they depend us. We are not like the Police Department where we have a heavy hand, we kind of hoo`malimali them to get results.

Chair Kauai: so, license renewals and violation fees fund the entire budget.

Mr. Baliaris: And the gross liquor sales.

Chair Kauai: Okay, got it.

Mr. Crowell: With seven (7) licensees going down and possibly permanently are you looking at possibly cutting your staff. How are you going to get around that one?

Mr. Baliaris: We are waiting on the Finance Department to tell us what the gross liquor sales are. I have Ken Herman with me; he worked on that and can answer your questions.

Mr. Herman: Good morning Commissioners.

Chair Kauai: Hi, Ken.

Mr. Herman: I am still learning the process myself, but part of the process is our end of the gross liquor sales, Cherisse (as far as I know) is finalizing the report. We give the numbers to the Finance Department and the Finance Department comes up a percentage of the licensees' payoff of our gross liquor sales. The last thing that I got from her is we are waiting for those funds. To answer your question, we lost some licensees, which will affect the percentage of the fees paid by the remaining licensees. I see it as the rest of the licensees having to share the burden. This year, the percentage may come in low also, because the sales were down and there is going to be a balancing affect next year where it could come in fairly next fiscal year. Does that answer your question sir?

Mr. Crowell: Got it. Thank you.

Mr. Herman: As far as staff, at this point we are not looking at any cuts.

Mr. Crowell: Thank you.

Mr. Herman: Thank you.

Mr. Ono: Hey Ken, what is the total number if we lost seven. How many total licensees' would we have in Kaua'i County.

Mr. Herman: I do not have the exact figure in front of me, but I can get it for you. I believe (I want to say) – wait two (2) minutes and I can get you the answer to that.

Chair Kauai: Thank you. Ellen, question. Do we set the maximum salary cap for the Liquor Director?

Ms. Ching: Yes.

Chair Kauai: Thank you. Are there any other questions Commissioners. No, if not, thanks Cecil for your presentation.

Mr. Baliaris: Mahalo.

Ms. Yoshida: I think Ken was coming back with the number of licensees'. He said two (2) minutes so.

Chair Kauai: Okay. All right.

Mr. Baliaris: I would like to say in addition is the seven (7) licensees that closed down thankfully it was not really the big ones. The ones we would be concerned about if they did closed down is the hotels and the big restaurants. Right now, it is only the small licensees'.

Mr. Herman: Commissioner, I have the question to your question. Currently, we have 216 licensees' and that counts on premise, off premise, distributors and tour group boats.

Chair Kauai: Thank you Ken. Okay, thanks guys for your presentation.

Ms. Yoshida: Thank you.

Chair Kauai: Let's move on to...Andrew are representing the County Attorney's Office.

Mr. Michaels: Yes, I'll do my best. I think Matt is still at Council meeting so I will do my best. I'll kind of keep it brief. The bottom line is we have recently made some hires and so we are about to be fully staffed at thirteen (13) attorneys and the office structure is very simple. We have two (2) divisions – ligation where we deal with the actual court disputes and arbitrations and then the other side we deal with advising Council, which is exacting like its name where it indicates we provide advice to the various departments to try to sort of prevent litigation. In addition to the attorneys, we have five (5) support staff. As far as an organizational structure its pretty flat – we got County Attorney Matt Bracken and First Deputy Mahealani Krafft and then all of the other deputy county attorneys. That is really it.

Chair Kauai: Thank you. Does anybody have any questions for Andrew?

Mr. Ono: Can you break that down one more time – the number of attorneys that we have is fourteen (14).

Mr. Michaels: The number that Matt had given to me today was thirteen (13) and about to be fully staffed. I know I see on my card right here – twelve (12) attorneys

right now, so there might be another hire about to come in. Then five (5) support staff, but I can check-in with Matt to clarify then I will get back to you on that.

Chair Kauai: Okay.

Ms. Ching: Chair if I may. I think what is important for the Salary Commission to think about is unlike other departments in the salary resolution; the salary resolution sets the salaries for the county attorney, first deputy county attorney and then the deputy county attorneys. In other words, the resolution covers the county attorney, the first deputy county attorney and all of the deputy county attorneys under them. That's majority of the staff that the salary resolution determines the salary for.

Chair Kauai: Okay, thank you for the clarification Ellen. Andrew it looks like – I know at one point in time it was hard getting attorneys but it looks like the tide has changed.

Mr. Andrew: We think maybe in one sense may be the Covid-19 pandemic may have helped us in terms of there being a lot of disputes and there certainly was a need for more attorneys and perhaps people were looking for jobs.

Chair Kauai: That is good to hear. Any more questions for Andrew Commissioners.

Ms. Yoshida: May be you do not know the answer and Matt needs to answer this later. Because you were fortune enough to pick-up the last few hires under Covid conditions, do you think post-Covid we are going to have a significant turnover and will go back to having the same problem in the County Attorney's office in terms of hiring.

Mr. Michaels: I really do not know. I do not know what the job market is like out there and I do not know how the job market will be affected and for how long as a result of Covid. It would seem to me – I am kind of gland I am working for the government now. I think there is a lot of private firms out there that I assume are struggling because their clients are probably struggling. I just do not know and would be speculating.

Ms. Yoshida: Okay. Thank you.

Mr. Michaels: No problem.

Chair Kauai: Thank you Andrew for your presentation. Okay, Ellen what direction should we go as far as – does anybody have any questions or directions on any other item.

Mr. Kahawai: I have a question Chair or may be Ellen. What determines whether a department has a deputy director? Because it looks like half of the departments, have and half of the departments do not. Who decides that and where does the Salary Commission come in to deciding that if anything.

Ms. Ching: That is a good question. I would have to get back to you with that information. However, when I look at the departments that have deputies it – my guess would be if you were a larger department that you have a deputy. If I think about the comments that we had from HR, HR is a relatively quote, unquote a new Department and that's why they are in the middle of standardizing and collectively putting together different things where out of all of the other Departments. Now they're doing centralize payroll and data entry for the other Departments and there's still five (5) more departments out there. I think that is the remnants of what was previously to the formation of an HR Department that you have each department have their own payroll person. The largest division is payroll, in other words, the more centralize and technology coming how it shakes out they certainly are going to be a larger department then they were before because their payroll is the largest section in their department right now.

Mr. Kahawai: Thank you.

Chair Kauai: Good question. Anybody else with questions, if not, Ellen do we have to go into executive session.

Ms. Ching: No. You can continue the discussion about whether or not to make a decision about a salary resolution for next year or I'm just going to assume from the direction where we started is at the next meeting we will have four (4) more Department Heads come to the meeting and present to you about their department and organization chart etc.

Chair Kauai: Okay.

Mr. Bracken: I apologize for being late. This is Matt Bracken, I am on the call now, and I could add anything.

Chair Kauai: Any questions for Matt.

Ms. Yoshida: Matt, this is Laurie Yoshida. The question I had was the fact that you folks are able to hire now; whether that is Covid related and whether you expect post Covid you would end up having significant turnovers. We were told that you folks are fully staffed now.

Mr. Bracken: We will be shortly. We have thirteen (13) attorney positions and the last time I came to the Commission I had four (4) vacancies. We were, plague with chronic vacancies and I would say that the filling of all of the positions are all Covid related. I ran several ads on Link-in and got two (2) applicants and either of them were licensed here. I ran the exact same ad three (3) months ago while Covid was going on and I had twenty-five (25) applicants and I had to turn it off. Lots of people on island were applying – local attorneys were applying which leads me to believe that the law practices are shrinking a little bit. We have one attorney starting next week and one attorney starting this week and the final position starts on October 1. I have had postings on the UH website before and have never seen an applicant straight out of law school apply and then Covid hit and from the last graduating class I received many emails and had to contact the school and have them take down the site. How long that remains I do not know, only time will tell.

Chair Kauai: Okay, thank you. It's good to know that you're fully staffed.

Ms. Ching: Chair, may be Matt can touch upon the salary resolution. I know that the county attorney's office has an impact on the resolution because it sets the salaries for the attorney and the deputy attorneys.

Mr. Bracken: The salary resolution greatly affects my office more than others, my office and the prosecutor's office share the same impact. Justin had the same problem as I did with chronic vacancies, but he's fully staffed. Again. Covid related.

Mr. Crowell: Matt the resolution we put in for your Department did not pass, do you foresee coming to us again in the near future or this next budget session with the same proposal or are you going to take that proposal off of the table for now.

Mr. Bracken: I appreciate you for considering my proposal. Timing was wrong because when it hit Council's floor it was right after Covid-19 hit and they were notified that the County's share of the trans-accommodation funds would be shrinking which created a 15 million dollar short fall for the County. I spoke to the

Councilmembers months before about my hiring problem but in the end it came down to the budget. At this time, I don't intend to ask for it again because our budgets are not real budgets and I was told spend as little as you can.

Chair Kauai: Okay, thank you.

Mr. Ono: Matt, I was trying to link the total. As Ellen was mentioning a number of the positions fall under our review so with thirteen (13) attorneys we have ten (10) deputy county attorneys on your org chart and if you add a first deputy and your position – I'm polling twelve (12) is it twelve (12) or thirteen (13)?

Mr. Bracken: It was twelve (12). The org. chart has not been updated. We actually turned one of our civil service paralegal position into a part-time attorney position. So, its 12 attorneys and 1 part-time attorney for a total of thirteen (13).

Mr. Ono: So, the next org chart we will be looking at eleven (11) county attorneys' positions instead of the ten (10) right.

Mr. Bracken: That is correct.

Chair Kauai: Okay, thank you. Are there any more questions for Matt? I guess we can look at our next step if we want to draft anything for council...any resolutions. Any suggestions.

Ms. Ching: Chair, before we go further Janine Rapozo is still on the line and I think she can address Commissioner Kahawai's question about a deputy.

Chair Kauai: Okay. Janine, go ahead.

Ms. Rapozo: I heard the question about the deputy. Commissioner Kahawai, if you look at all of the departments that have deputies those are charter departments. Which means that the charter has establish these departments. The other so-called departments that we have are actually agencies created either by ordinance or by some other way. HR used to have a deputy back in Alan Tanigawa's time, which would have been in the 80's or 90's. I think that during that time under Mayor Kusaka there was some financial difficulties so at that time he did not fill that position and did away with his deputy. The only other one that is charter department that doesn't have a deputy is Liquor and I have to assume its because of the size of Liquor they decided not to put a deputy. If you look at the other

departments, they are not chartered like Economic Development and Transportation that's why there is not deputy for those types of departments.

Mr. Kahawai: Thank you Janine. That is good information to know and it kind of makes sense.

Chair Kauai: Thank you. Any other questions for Janine. With that said, do we want to submit anything to the council in form of a resolution or do we want to listen to the other departments then decide. What is your desire?

Ms. Yoshida: I would like to hear from the other departments because I do not think I can make a recommendation without understanding them and the role that they play and now knowing some of the things that Janine just shared in terms of which ones have deputies. It would make it easier to group them if we do decide to go that way. So, I would like to hear from all of the departments so we can a better understanding of what the budget will look like next year in terms of the kind of federal help the County might get through the state.

Chair Kauai: Okay, thank you Laurie.

Mr. Kahawai: I agree with Laurie.

Mr. Crowell: I agree as well.

Mr. Ono: Me too. I think it would be very helpful to hear from the other departments as well.

Chair Kauai: I agree too. Okay, let us try to schedule our next meeting. Ellen if you would be kind enough to contact the other departments and invite them to our next meeting.

Ms. Ching: Will do.

Chair Kauai: I have something on my calendar for September 23.

Ms. Yoshida: We selected the fourth Wednesday.

Chair Kauai: Does September 23 work for everybody? Okay. Ellen, thank you for setting all of that up, I appreciate it.

Ms. Ching: Thank you to all of the Department and for HR for getting the information together.

Chair Kaui: With no further business. Can I have a motion to adjourn?

Ms. Yoshida: So moved.

Mr. Kahawai: Second.

Chair Kaui: All those in favor of the motion, please signify by saying aye. Opposed. Motion carries.

At 10:17 a.m., the meeting adjourned.

Submitted by:

Mercedes Omo, Support Clerk

Approved as circulated on September 23, 2020

Approved as amended on:

Trinette Kaui, Chair