



SALARY COMMISSION

JOSHUA UYEHARA, CHAIR
WAYNE KATAYAMA, VICE CHAIR

BERNADETTE AKIONA-ARRUDA, MEMBER
NANCY KANNA, MEMBER
STACIE CHIBA-MIGUEL, MEMBER
PATRICK ONO, MEMBER
PAUL TONER, MEMBER

25 MAR 24 AIO:17

Meetings of the Salary Commission will be conducted as follows:

- Meetings will be publicly noticed under Chapter 92, Hawai'i Revised Statutes (HRS).
- Minutes of meetings will be completed under Chapter 92, HRS and posted to the Salary Commission's website.

Public Comments and Testimony:

- **Written testimony** will be accepted for any agenda item herein.
 - Written testimony indicating your 1) name, and if applicable, your position/title and organization you are representing, 2) the agenda item that you are providing comment on, and 3) contact information (telephone number and email address), may be submitted to mromo@kauai.gov or mailed to the Salary Commission, c/o Office of Boards and Commission, 4444 Rice Street, Suite 300, Lihue, Hawaii 96766.
 - Written testimony received by the Salary Commission at least two business days before the meeting will be distributed and available as part of the Commission's packet and written testimony submitted thereafter will be distributed at the meeting.
 - Any written testimony received after this time and up to the start of the meeting will be summarized by the Clerk of the Commission during the meeting and will be provided to the members and added to the record thereafter.
 - Any written testimony received during the meeting and before the decision-making on the corresponding agenda item will be distributed to the members before such decision-making.
- **Oral testimony** will be accepted for any agenda item herein.
 - It is recommended that anyone interested in providing oral testimony register at least 24 hours before the meeting by emailing mromo@kauai.gov or calling (808) 241-4920. Any request to register may include your 1) name, and if applicable, your position/title and organization you are representing, 2) the agenda item you are providing comment on, and 3) contact information (telephone number and email address).
 - Per the Salary Commission's Oral Testimony Policy there is a three-minute time limit per testifier for each agenda item.
 - Individuals who have not registered to provide testimony will be allowed to speak on an agenda item following the registered speakers.

SPECIAL ASSISTANCE

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

SALARY COMMISSION MEETING NOTICE AND AGENDA

Thursday, April 10, 2025

9:00 a.m. or shortly after

Piikoi Building, Boards and Commissions Conference Room Suite 300
4444 Rice Street, Lihū'e, Hawai'i 96766

25 MAR 24 AIO:18

CALL THE MEETING TO ORDER

ROLL CALL TO ASCERTAIN QUORUM

APPROVAL OF AGENDA

PUBLIC TESTIMONY ON ANY AGENDA ITEMS

Individuals may testify on any agenda item or wait for the item to come up.

CHAIR'S ANNOUNCEMENT

The next regular monthly Salary Commission meeting will be held at 9:00 a.m., on Thursday, May 8, 2025, in the Office of Boards and Commissions Conference Room, Suite 300.

APPROVAL OF MINUTES

- February 20, 2025, Open Session Meeting (Deferred on February 27, 2025)
- February 27, 2025, Open Session Meeting
- February 27, 2025, Executive Session Meeting

BUSINESS:

SC 2025-1 Discussion and decision-making on submitting a Salary Resolution to establish maximum salary caps for certain County officers and employees included in Section 3-2.1 of the Kaua'i County Code for Fiscal Years 2025/2026, 2026/2027 and 2027/2028.

- A. Presentation by Director of Finance Chelsie Sakai or her representative on the following reports:
- i. Employees Retirement System (ERS pension shortfall and funding)
 - ii. Cost of implementation of the Salary Resolution 2022
 - iii. Cumulative Consumer Price Index for five and ten years
 - iv. Related to the Finance presentation on salary increases, what increases were due to adding new positions vs. general salary increases
 - v. Real Property Tax Collection Forecast for 2025

- vi. Other Post-Employment Benefits (OPEB) shortfall for employees coming from a different jurisdiction
 - vii. Capital budget, capital expenditures and funding
- B. Presentation by Chief Todd Raybuck or his representative in the following reports:
- i. The Salary Inversions in the Department Presentation by Chief Todd Raybuck or his representative in the following reports:
 - ii. The Salary inversions in the Department
- C. Discussion and possible action regarding the goals and objectives for the Salary Resolution 2025-2.
- i. Discussion regarding approach to achieving the commission's objectives for the next year (meeting schedules, approximate milestone timelines, whether it may be necessary to form PIGs, etc.)
 - ii. Development of a policy framework for salary determination
 - iii. Recommendations for legislative action at the county and state levels

EXECUTIVE SESSION CLOSED TO THE PUBLIC: Under HRS § 92-7(a), the Commission may, when deemed necessary, hold an executive session on any agenda item without a written public notice if the executive session was not anticipated in advance. Any such executive session shall be held pursuant to HRS § 92-4 and shall be limited to those items described in HRS § 92-5(a).

RETURN TO OPEN SESSION TO RATIFY THE ACTIONS TAKEN IN EXECUTIVE SESSION

- Executive Session Report pursuant to HRS § 92-4(b).

ADJOURNMENT

CC: Deputy County Attorney Andrew Michaels

OPEN SESSION MEETING MINUTES

Board/Commission		Kaua'i Salary Commission	Meeting Date	February 20, 2025 (continuation of February 13, 2025 meeting)
Location	Piikoi Building, Boards and Commissions Conference Room Suite 300, 4444 Rice Street, Lihu'e, Hawai'i 96766		Start of Meeting: 9:15 a.m.	End of Meeting: 10:04 a.m.
Present	Chair Joshua Uyehara; Commissioners Bernadette Akiona-Arruda, Patrick Ono, Nancy Kanna, and Paul Toner. Also, present Boards and Commissions Support Staff: Administrator Ellen Ching, Support Clerk Mercedes Omo, and Deputy County Attorney Andrew Michaels (via Microsoft Teams).			
Excused	Vice Chair Wayne Katayama and Commissioner Stacie Chiba-Miguel			
Absent				

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SUBJECT	DISCUSSION	ACTION
MEETING CALLED BACK TO ORDER / ROLL CALL TO ASCERTAIN QUORUM	<p>There being no objections the February 13, 2025 Salary Commission Meeting which was continued to February 20, 2025, was called back to order by Chair Joshua Uyehara at 9:15 a.m.</p> <p>Commission Support Clerk Mercedes Omo verified attendance by roll call: Commissioner Bernadette Akiona-Arruda replied present. Commissioner Nancy Kanna replied present. Commissioner Stacie Chiba-Miguel was excused. Commissioner Patrick Ono replied present. Commissioner Paul Toner replied present. Vice Chair Wayne Katayama was excused. Chair Joshua Uyehara replied present.</p> <p>Ms. Omo stated that Deputy County Attorney Andrew Michaels was present via Microsoft Teams and Administrator Ching was present at the meeting.</p>	<p>Quorum was established with five Commissioners present.</p>

Salary Commission Open Session Minutes
of the February 20, 2025, Meeting

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SUBJECT	DISCUSSION	ACTION
APPROVAL OF AGENDA	<p>Chair Uyehara asked for a motion to approve the agenda as circulated.</p> <p>Administrator Ching stated that the Commission has completed SC 2025-1 A, B, C, and D. There are pending responses from questions raised by the Commission at the last 3 meetings. Responses from those requests for information are being withheld so that the Commission can focus on the draft Salary Resolution. Today, the Commission will be focusing its attention on the table of projected increases which reflects the cost of approving the draft Salary Resolution as for the salaries of each position. The Commission will also discuss the draft Salary Resolution and narrative memorandum that would accompany the attachments that the Commission has seen through the last few meetings as well as the Salary Resolution. Administrator Ching stated that Mr. Ono put together a department comparative based on all the information received, but discussion on that will be held so that the Commission can focus on the draft Salary Resolution and meeting the March 15th deadline.</p>	<p>Ms. Kanna moved to approve the agenda as circulated. Mr. Toner seconded the motion. Motion carried 5:0.</p>
PUBLIC TESTIMONY	There was no one present from the public to testify on any agenda item.	
APPROVAL OF OPEN SESSION MINUTES OF FEBRUARY 13, 2025, MEETING		<p>Mr. Ono moved to approve the minutes of the February 13, 2025 meeting, as circulated. Mr. Toner seconded the motion. Motion carried 5:0.</p>
BUSINESS SC 2025-1	Discussion and decision-making on submitting a Salary Resolution to establish maximum salary caps for certain County officers and employees included in Section 3-2.1 of the Kaua'i County Code for Fiscal Years 2025/2026, 2026/2027 and 2027/2028.	

SUBJECT	DISCUSSION	ACTION
	<p>A. Presentation by Managing Director Reiko Matsuyama on issues and recommendations related to a Salary Resolution.</p> <p>B. Presentations by the Directors, Department heads, or their representatives as necessary; discussion and possible action on reports received by the following Offices, Departments, and Agencies:</p> <ul style="list-style-type: none"> i. Office of the Mayor ii. Department of Finance iii. Department of Human Resources iv. Department of Liquor Control v. Department of Parks and Recreation vi. Department of Water vii. Fire Department viii. Housing Agency ix. Office of the County Clerk x. Office Economic Development xi. Office of the County Attorney xii. Office of the Prosecuting Attorney xiii. Planning Department xiv. Police Department xv. Public Works Department <p>C. Presentation by Director of Human Resources Annette Anderson or her representative in the following reports:</p> <ul style="list-style-type: none"> i. Collective bargaining: across the board percentage increases 	

SUBJECT	DISCUSSION	ACTION
	<ul style="list-style-type: none"> ii. Collective bargaining: step movements, lump sum award, <i>etc.</i> iii. Collective bargaining: differentials, other pay iv. Collective bargaining: summary of costs v. Comparison of county department data and resident population vi. Salary inversion vii. Salary comparison report viii. State Executive Salary recommendations ix. Market analysis on average salaries in the private sector for engineers and attorneys x. Recommendations on addressing engineers and attorney vacancies xi. Issues and Recommendations related to a Salary Resolution <p>D. Presentation by Director of Finance Chelsie Sakai or her representative on the following reports:</p> <ul style="list-style-type: none"> i. Consumer price index ii. County of Kaua'i financial overview <p>Administrator Ching stated that she will be turning over the meeting to Deputy County Attorney Michaels to go over the draft Salary Resolution which incorporates information that the Office of Boards and Commission and Office of the County Attorney received regarding the Salary Resolution.</p> <p>Deputy County Attorney Michaels presented the following information:</p> <ul style="list-style-type: none"> • Article I, Section 1: For the period of July 1, 2025 to June 30, 2026, the maximum salaries shall increase by 3.5%. The 3.5% was put in 	

SUBJECT	DISCUSSION	ACTION
	<p>as a placeholder and the Commission can choose that percentage amount. The Section also references back to Salary Resolution No. 2022-1, which lists the various positions affected by the Salary Resolution.</p> <ul style="list-style-type: none"> • Additionally, there are 2 parts listed under Section 1. Part 1 was included to comply with Hawai'i Revised Statute (HRS) 46-24. Part 2 is the provision related to the Deputy Chief of Police, including the 3.5% increase as a placeholder, but referencing the HRS applicability to those positions as well. • Article I, Section 2 covers the period of July 1, 2026 to June 30, 2027 and reflects another 3.5% increase in that period. • Article I, Section 3 states that on July 1, 2027, an additional 3.5% increase shall be given. • Article I, Section 4 is a standard provision included in Salary Resolutions for rounding purposes related to payroll. Salary amounts are rounded up to the nearest whole dollar amount that when divided by 24 results in a whole dollar amount. • Article II states that the respective appointing authority may set the salary of any new or existing non-elected appointee officer or employee at a figure lower than the maximum salary established for the position in this Resolution. Additionally, a reference to compliance with HRS 46-24 was also included in this section. • Article III references the monetary monthly benefit applicability in lieu of enrollment in a County Medical Coverage Plan. A clause was added which states that "All officers and employees referenced in Article I Section 1, 2, and 3 <u>supra</u> shall be eligible for any monetary monthly medical benefit offered, via any unexpired and then effective Executive Order, by the County to any of its employees in lieu of enrollment in a County medical coverage plan; such 	

SUBJECT	DISCUSSION	ACTION
	<p>monetary monthly medical benefit shall be in addition to, rather than a portion of, the respective officers' and employees' maximum salaries." That was included in addressing a question from the Commission at its last meeting.</p> <ul style="list-style-type: none">• Article IV and V are the same provisions as previous Salary Resolutions and were renumbered. <p>Chair Uyehara asked regarding HRS 46-24, whether that restriction applies to total compensation or just the salary/wage component. Deputy County Attorney Michaels responded that any questions related to HRS 46-24 will need to be deferred until the next meeting to give him time to do additional research on it. Chair Uyehara stated that the Commission should have an Executive Session agenda item for its next meeting for further discussion related to this statute.</p> <p>Mr. Ono asked regarding Parts 1 and 2 in Section 1, if the Commission is to believe that the same applies to Sections 2 and 3. Deputy County Attorney Michaels responded that Mr. Ono is correct. Mr. Ono stated that his concern centered around those positions needing replacements in years 2 or 3 of the Salary Resolution and whether the provisions in Parts 1 and 2 would still apply. Deputy County Attorney Michaels responded that he could investigate the question and report back to the Commission at its next meeting. Deputy County Attorney Michaels asked for confirmation that the question was if there was a replacement in years 2 or 3, how do Part 1 and Part 2 affect Sections 2 and 3. Administrator Ching responded that though she will defer to the Deputy County Attorney for a formal response, personally she feels that because it is stipulated in Article II that notwithstanding anything else, basically it has to comply with HRS 46-24. The thinking was once that adjustment is made in the first year, adding</p>	

SUBJECT	DISCUSSION	ACTION
	<p>3.5% in year 2 and the 3.5% in year 3 because the adjustment is made in year 1, it will be okay for the other 2 years. The adjustment that was made in the first year is being carried forward. Administrator Ching further noted that Deputy County Attorney Michaels can provide a formal response after he has been able to investigate the query further. Administrator Ching noted that she believes the last sentence in Article II regarding, "Notwithstanding the aforesaid, actual salaries should comply with Hawai'i Revised Statutes Sec. 46-24" is the blanket catchall.</p> <p>Chair Uyehara stated that in the long-term, the Commission will need to figure out how to address the maximum salaries in a more structural sound way. If the Commission does not, it could effectively ratchet the Director's salary based on the hiring of the Deputy out of the civil service ranks. The issue becomes more prominent as the hiring decision of the Deputy is made by the Director. HRS 46-24 states that the Deputy cannot make more than 95% of the Director's salary. For example, if you have a Deputy Chief of Police situation, they are able to carry their civil service salary into the position if they choose given Salary Resolution 2020-2. Since it is the Chief's decision on who to hire as the Deputy Chief, he/she could effectively raise his/her salary by hiring the Deputy Chief that makes the most money in the civil service rank. Chair Uyehara stated that that may not be what is driving the decision, but that is the effect of the law. The Commission will need to look further at the issue so that the Commission can crystallize the salary of the Deputy Chief at a number that should work generally to allow internal candidates to seriously consider the position but does not provide a direct raise mechanism for the Chief by hiring the highest paid civil servant. Administrator Ching added that the first Salary Resolution adopted the recommendation of the Department of Human Resources (HR) to allow internal candidates to maintain their civil service salary into a</p>	

SUBJECT	DISCUSSION	ACTION
	<p>deputy position or department head. The County just learned about HRS 46-24, that provision was taken out of the new draft because in context, that recommendation with the knowledge that the County must comply with HRS 46-24, it complicated matters and brought up a lot of questions regarding unintended consequences. That recommended provision was removed from the latest draft Salary Resolution. The premise for the latest draft of the Salary Resolution was to comply with HRS 46-24, meet the March 15th deadline, and to do things in the most conservative way possible. The 3.5% amount was based off current union negotiations, the Governor's statement about negotiations, and in not wanting to hamper the County's own position in ongoing union negotiations. Administrator Ching reiterated that the current draft of the Salary Resolution is the most conservative that can be proposed given all the different considerations.</p> <p>Mr. Toner asked if there could be any additional changes made to address various department head positions in subsequent Salary Resolutions. Administrator Ching responded that once the Commission approves a Salary Resolution, that increase is set in stone. Administrator Ching referred the Commission to the Table of Projected Increases handout. She pointed out the Director of Finance position. She noted that there were five positions or salaries that were out of compliance with HRS 46-24. Those positions were the Director of Finance, Director of Parks & Recreation, County Clerk, Manager and Chief Engineer, Department of Water, and the Chief of Police. Discussion on the Manager and Chief Engineer, Department of Water will take place soon. For the 5 positions listed, the Deputies made more than 95% of the Department Heads salaries. In the second column of the table, the 3.5% increase applies to everyone, except for the 5 positions that did not meet HRS 46-24. The adjustments are made accordingly in the first year of the increase to ensure that those 5 positions meet the requirements</p>	

SUBJECT	DISCUSSION	ACTION
	<p>of HRS 46-24. The Manager and Chief Engineer, Department of Water pay amount was left as-is as there are still unanswered questions regarding that position. The discussion relating to the Manager and Chief Engineer, Department of Water will take place at the Commission's next meeting. A larger adjustment was made for the Chief of Police position as the Salary Resolution from 2020 allowed the Deputy Chief to maintain his civil service salary. The current Deputy Chief makes \$172,704 and that is why the large increase to the Chief's salary is accounted for in the first year's increase.</p> <p>Administrator Ching further stated that the issue surrounding the Department of Water position is due to the employee holding two positions, one being a civil service position, but being temporarily assigned to the Deputy Manager position.</p> <p>Mr. Toner asked for the definition of salary as it could be construed that maximum compensation is what the Commission has been looking at. Administrator Ching responded that the Salary Resolution of 2013 allowed the department heads to receive additional compensation like cell phone, car allowance, gun allowance, uniform allowance, etc. All of those are covered in previous salary resolutions. Though she deferred a formal response to the Deputy County Attorney, Administrator Ching responded that HR considers salary to be base salary, additional pay, and other pay cost items. Administrator Ching further stated that salary does not include overtime pay. Mr. Toner stated that overtime is what generally causes inversion issues. Administrator Ching responded that Mr. Toner was correct.</p> <p>Mr. Toner asked if what is stated in the draft Salary Resolution covers what the Commission is trying to accomplish. Administrator Ching responded</p>	

SUBJECT	DISCUSSION	ACTION
	<p>that in her mind, the draft Salary Resolution does not cover all the issues raised by the Commission. There was a lot of discussion about performance-based bonuses, looking at defining salary more broadly (to include overtime or not to include overtime), etc. The draft does not cover those items.</p> <p>Mr. Toner asked if the explanation for the large increase for the Chief of Police is due to the 95% rule relating to the salary of the Deputy Chief of Police. Administrator Ching responded that Mr. Toner was correct. Mr. Toner further asked if that amount could be reduced at some point in the future if the Deputy's salary decreases. Administrator Ching responded that Mr. Toner was correct depending on who the Deputy Chief is.</p> <p>Mr. Toner asked if the Deputy Chief's salary was based off the base salary only or includes the other cost items. Administrator Ching responded that it is based off the base salary. However, the Deputy Chief based on a previous Salary Resolution can carry his civil service salary structure into the Deputy Chief position and that includes the ability to earn the other pay, additional pay, and overtime pay, with overtime pay needing to be approved by the Chief of Police.</p> <p>Chair Uyehara stated that Mr. Toner's questions pertain to his earlier comment about needing to crystallize a number for the Deputy Chief so that there is no abuse. The Chief could potentially authorize overtime for the Deputy Chief to proactively give himself raises. Administrator Ching stated that the HRS applicability was something that came up only recently and the County was unaware that statute existed. Knowing that, the draft Salary Resolution was drafted to be conservative so that the Commission can meet the March 15th deadline with the intention to continue to meet</p>	

SUBJECT	DISCUSSION	ACTION
	<p>to look at the other global issues and how the Commission can tackle them.</p> <p>Mr. Toner stated that if the Police Commission observed the Chief of Police authorizing additional overtime for the Deputy or abusing his or her authority, that they could step in and question what was being done. Mr. Toner stated that he feels the inversion issue is more concerning than the outlier who will try to take advantage of HRS 46-24. Administrator Ching responded that HR said it well when they said overtime is a management issue. With the retirement spiking issues that arose approximately 5 years ago at a County Council Meeting, both the Police and Fire Commissions have been made very aware of the overtime abuse that had been occurring. The approximately \$2M bill that the County had to pay relating to spiking was an eye-opener for both commissions. They now receive monthly reports specifically on overtime. The caveat is that some of the overtime is not manageable but is tied to union contracts where overtime is not just hours over 40 hours per week. It could be anything over 8 hours per day or if someone must change stations from where you are assigned to.</p> <p>Chair Uyehara stated that he understands that the Commission is in a window where they can do what needs to get done then take time to solve the other problems in a more structurally correct manner. Administrator Ching stated that once the Salary Resolution goes over to the Mayor and the Council, it does not go into effect until July 1, 2025. That is for all the positions listed, except for the Councilmembers, as those increases go into effect after the next election.</p> <p>Administrator Ching asked the Commission if they had any additional questions otherwise she would move to discussion on the draft memorandum.</p>	<p>No action was taken regarding this agenda item.</p>

SUBJECT	DISCUSSION	ACTION
SC 2025-2	Discussion and decision-making on drafting a memorandum to accompany the Salary Resolution for transmittal to Chair Mel Rapozo and Members of the Kaua'i County Council.	This item was completed at the February 13, 2025 meeting.
SC 2025-3	<p>Presentation of a Memorandum of Transmittal relating to the Salary Commission Resolution No. 2025-1 (Relating to establishing maximum salary caps for certain County of Kaua'i officers and employees included in Section 3-2.1 of the Kaua'i County Code for Fiscal Years 2025/2026, 2026/2027, and 2027/2028, from the Salary Commission to Mayor Derek Kawakami and Council Chair Mel Rapozo and Members of the Kaua'i County Council.</p> <p>Administrator Ching apologized to the Commission for the lateness in the draft memorandum they received. She explained that every time the draft Salary Resolution was modified, the memorandum also had to be modified. Administrator Ching explained that the approach for the memorandum was to explain that since the Charter change went into effect, whatever the Salary Commission adopts is what becomes the salaries for the affected positions. The Salary Commission has the full authority to adopt the salaries, and that Council approval is no longer a part of the process. The memorandum mirrors the 2022 memorandum and lets the public and stakeholders know that the Commission did not arrive at the Salary Resolution lightly. The Commission looked at a lot of material and considered all the information presented to them. The memorandum further explains the pieces of information that played into the decision-making process.</p> <p>The Commission through the memorandum explains that the purpose is to set the base salaries which last done through the Salary Resolution from 2022. Basically, that Salary Resolution increased salaries for a period of 2.5</p>	

SUBJECT	DISCUSSION	ACTION
	<p>years with the last increase going into effect in July of 2024. That lets the public and stakeholders know that this Salary Resolution is going to pick up where the last Salary Resolution left off. The maximum salaries from the Salary Resolution in 2022 went into effect and there have been no modifications to the maximum salaries since that time.</p> <p>The memorandum then itemizes all the information and data that the Commission reviewed. The Commission reviewed the Consumer Price Index, Bargaining Unit increases and contracts, salary inversions, and that the County of Kaua'i has lower salaries for most positions on the Salary Resolution than other counties, with a few exceptions. The 2022 Salary Resolution is what contributed to some of those exceptions. Furthermore, the Commission had a lot of discussion looking at the cost of living on Kaua'i. The job market is competitive, but the lack of housing has made it difficult for the County to attract and maintain employees. A Deputy County Attorney could easily transfer to another jurisdiction and island, do exactly the same work, for a lot more pay. The Commission also reviewed comparative information with department head and deputy salaries from the State of Hawai'i and other counties in Hawai'i. Kaua'i does have a smaller population, but the job duties and responsibilities are not always an apples-to-apples comparison. An example of this could be the head of the Department of Public Works. In other jurisdictions the head of Environmental Services has the responsibilities of wastewater and the landfill, but on Kaua'i, that all falls under the Department of Public Works. The Commission also reviewed the projected revenues for the County and whether the County can afford the salary increases. The Table of Projected Increases that the Commission reviewed earlier will also be an exhibit attached to the memorandum. The memorandum will also provide a narrative to go through the Salary Resolution. It will explain that for the</p>	

SUBJECT	DISCUSSION	ACTION
	<p>periods noted, there will be 3.5% increases while also ensuring that HRS 46-24 is followed for department heads. The memorandum further explains each of the remaining articles including the rounding for payroll purposes as HR had to previously do manual payroll entries for all positions and amounts noted in previous Salary Resolutions. The issue regarding payroll is even more important now as one of the first initiatives of the Kawakami Administration was to move the County away from manual payroll and time sheets to an electronic timekeeping and payroll system. It was one of the largest capital expenditures of the County. The memorandum also explains that other counties set the actual salary. The County of Kaua'i is the only county that sets a salary range. Administrator Ching noted that in light of HRS 46-24, it is more important that the County of Kaua'i continue to set ranges as it maintains some flexibility if a deputy changes then the salary can be lowered. The memorandum explains that Article III allows officers and employees to be eligible for the Monetary Monthly Medical Benefit in Lieu of Enrollment in a County Medical Coverage Plan. The last portions of the memorandum are Administrator Ching's initial attempt to provide some context for why the Commission adopted the Salary Resolution. It was meant to state that the Salary Commission, by adopting the Salary Resolution, is to provide an interim solution to some long-standing issues of inversion, meeting State mandates, recruitment, retention, and supporting the County's negotiation position with the current union negotiations. The 3.5% was based off Governor Green's statement regarding union negotiations and assisting the County with their union negotiation position as well. The memorandum also clarifies that this Salary Resolution is an initial attempt with the plan of the Salary Commission to continue deliberating and to adopt another Salary Resolution in 2026.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Chair Uyehara suggested that the final point be amended to read that the Salary Commission intends to adopt another Salary Resolution in late 2025 or in 2026. He felt that the Salary Commission may not take the entire year to make further adjustments. Administrator Ching responded that she drafted it with the 2026 date to give the Commission additional flexibility in conducting their work. Either way, when the Salary Commission adopts the next Salary Resolution, it will not go into effect until 2026. Administrator Ching clarified that she understood Chair Uyehara's concern and stated she would revise the date to read 2025. Administrator Ching stated that after further thought, she would remove the date completely, so the Commission's hands are not tied.</p> <p>Ms. Kanna asked if item 19 should go up towards the beginning of the memorandum so that it sets the pace. Ms. Kanna stated that she understands that it goes into reasoning for the various modifications but felt that it explains the higher level of what the Commission's intention is. She just wanted to through that idea out to the Commission for consideration. Administrator Ching responded that if that move is to be done, she will need to change the second line that reads, "In adopting this Salary Resolution, the Commission considered the following:" as it is building the case as to what the Commission looked at to get to the Salary Resolution. That is why that point was put towards the end of the memorandum. Chair Uyehara stated that he sees the transition between what the Commission looked at to what the Commission decided to do, and that item 19 might possibly fall between items 12 and 13. Administrator Ching responded that she would modify the memorandum to align with Chair Uyehara's suggestion.</p> <p>Administrator Ching stated that after item 11, she would add, "Given the</p>	

SUBJECT	DISCUSSION	ACTION
	<p>foregoing, the Salary Commission adopted the following Salary Resolution...” then it would flow better to itemize the various parts of it. Then, Administrator Ching stated that she would make an introductory statement for items 19 and 20, ending with the Salary Resolution itself. Ms. Kanna concurred that that would flow better and make better sense.</p> <p>Ms. Kanna stated that it always helps to identify what the problems are first and then how the Commission went through the process to come up with the solution.</p> <p>Administrator Ching noted that the meeting might be the shortest meeting the Commission will ever have.</p> <p>Chair Uyehara stated that it might help to provide a clear demarcation between what is going to be addressed immediately versus what the larger issues that still need to be addressed are. The Commission concurred. Chair Uyehara further stated that additional discussion around HRS 46-24 will also be held at the next Commission meeting. Administrator Ching stated that Chair Uyehara was correct.</p> <p>Administrator Ching stated that the next meeting will be the last meeting in February. The Commission will need to finalize the Salary Resolution. The next meeting of the Commission after that will be on March 13th, which is a couple of days before the March 15th deadline. Administrator Ching asked for concurrence that there will be no amendments to the draft Salary Resolution. The Commission concurred. Administrator Ching clarified that on the transmittal memorandum, she will be incorporating the comments that were made at the meeting and will be redrafting that memorandum for the Commission’s approval at next week’s meeting. At the next</p>	

SUBJECT	DISCUSSION	ACTION
	<p>meeting, there will be an Executive Session to take up questions regarding State Law and the application regarding the Department of Water Manager and Chief Engineer so that Deputy County Attorney Michaels can advise the Commission on how to address this or if the Commission should address that issue. Administrator Ching stated that she has already prepared a revised Table of Projected Increases that includes addressing the Department of Water Manager and Chief Engineer and what that would look like in terms of salary figures. This was done in consultation with the Deputy County Attorney. That information can be presented at the next meeting, if applicable.</p> <p>Chair Uyehara asked Administrator Ching to prepare a corresponding Salary Resolution that accounts for the Department of Water Manager and Chief Engineer salary in the event the Commission decides to pursue a specific route regarding that position. Administrator Ching asked Deputy County Attorney Michaels to work on that request from the Commission. Administrator Ching noted that that would entail the addition of Part 3 to Section I.</p> <p>Administrator Ching clarified that for the Director of Finance, Director of Parks & Recreation, and County Clerk, the maximum salary amounts do not meet the 95% criteria outlined in HRS 46-24. The reason that the Chief of Police was separated out into Part 2 is because if you look at the current maximum salaries set for the Chief and Deputy Chief positions, it meets the 95% criteria outlined in HRS 46-24, however, others may not be aware that there is the provision outlined in the Salary Resolution from 2020 that allows the Deputy Chief to carryover the salary structure from his civil service position which creates an additional discrepancy in the salary amount. With the Department of Water Manager and Chief Engineer, the</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Commission is in a little bit of murky water. An issue exists, but it is not as crystal clear as the other 4 positions. The draft Salary Resolution was taking a very conservative approach and Deputy County Attorney Michaels can provide additional guidance to the Commission at next week's meeting. The Commission will have a secondary draft Salary Resolution to incorporate the Department of Water Manager and Chief Engineer, if needed. Administrator Ching further noted that she also has a secondary Table of Projected Increases that incorporates the increase for the Department of Water Manager and Chief Engineer as well.</p> <p>Chair Uyehara stated that the Commission should anticipate at the next meeting possibly needing to take a lengthy recess for the Deputy County Attorney to finalize any last-minute edits so that the Commission potentially can call for the vote on approving the draft Salary Resolution. Administrator Ching stated that depending on how significant the edits are, what previous salary commissions have done is they authorized the Deputy County Attorney and the Administrator to work together on finalizing the Salary Resolution, transmittal, and packet of information for transmission to the Mayor and the Council. That is one way the Commission can go ahead and make changes but finalize it thereafter. However, if the changes are significant, then the Commission should hold a March 13th meeting to give final approval. Administrator Ching stated that she wants to ensure that she is comfortable, and the Deputy County Attorney is comfortable with the changes, and that it accurately reflects what the will of the Commission is. Everything really depends on how many changes there are and how significant those changes are. Administrator Ching stated that if the changes are very minor, she feels comfortable with the authorization to work with the Deputy County Attorney to finalize everything.</p>	

Salary Commission Open Session Minutes
of the February 20, 2025, Meeting

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SUBJECT	DISCUSSION	ACTION
	Chair Uyehara asked since the agenda needs to be modified, if the meeting would need to be adjourned. Administrator Ching responded that Chair Uyehara is correct.	No action was taken regarding this agenda item.
SC 2025-4	Discussion and decision-making on designating two or three members and alternates from the Salary Commission to appear before the County Council to address any questions related to the Salary Resolution to establish maximum salary caps for certain County officers and employees included in Section 3-2.1 of the Kaua'i County Code for Fiscal Years 2025/2026, 2026/2027, and 2027/2028.	There was no discussion on this agenda item. No action was taken regarding this agenda item.
EXECUTIVE SESSION	EXECUTIVE SESSION CLOSED TO THE PUBLIC: Under HRS § 92-7(a), the Commission may, when deemed necessary, hold an executive session on any agenda item without a written public notice if the executive session was not anticipated in advance. Any such executive session shall be held pursuant to HRS § 92-4 and shall be limited to those items described in HRS § 92-5(a).	There was no Executive Session held.
ADJOURNMENT	Next meeting – Thursday, February 20, 2025, 9:00 a.m. at the Boards and Commissions Office Conference Room, Suite 300, Lihue, Hawaii 96766.	Ms. Kanna moved to adjourn the meeting. Mr. Toner seconded the motion. Motion carried 5:0. The meeting was adjourned at 10:04 a.m.

Submitted by: _____
Mercedes Omo, Staff Support Clerk

Reviewed and Approved by: _____
Joshua Uyehara, Chair

() Approved as circulated on _____
() Approved as amended. See minutes of _____ meeting.

DRAFT to Be Approved

OPEN SESSION MEETING MINUTES

Board/Commission	Kaua'i Salary Commission	Meeting Date	February 27, 2025
Location	Piikoi Building, Boards and Commissions Conference Room Suite 300, 4444 Rice Street, Lihu'e, Hawai'i 96766	Start of Meeting: 9:00 a.m.	End of Meeting: 12:15 p.m.
Present	Chair Joshua Uyehara and Vice Chair Wayne Katayama; Commissioners Bernadette Akiona-Arruda, Stacie Chiba-Miguel, Patrick Ono, Nancy Kanna, and Paul Toner. Also, present Boards and Commissions Support Staff: Administrator Ellen Ching, Support Clerk Mercedes Omo, and Deputy County Attorney Andrew Michaels (via Microsoft Teams).		
Excused			
Absent			

SUBJECT	DISCUSSION	ACTION
MEETING CALLED TO ORDER/ROLL CALL TO ASCERTAIN QUORUM	<p>Chair Joshua Uyehara called the Salary Commission Meeting to order at 9:00 a.m.</p> <p>Commission Support Clerk Mercedes Omo verified attendance by roll call: Commissioner Bernadette Akiona-Arruda replied present. Commissioner Nancy Kanna replied present. Commissioner Stacie Chiba-Miguel replied present. Commissioner Patrick Ono replied present. Commissioner Paul Toner replied present. Vice Chair Wayne Katayama replied present. Chair Joshua Uyehara replied present.</p> <p>Ms. Omo stated that Deputy County Attorney Andrew Michaels was present via Microsoft Teams and Administrator Ellen Ching was present at the meeting.</p>	<p>Quorum was established with seven Commissioners present.</p>

Salary Commission Open Session Minutes
of the February 27, 2025, Meeting

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SUBJECT	DISCUSSION	ACTION
APPROVAL OF AGENDA	Chair Uyehara asked for a motion to approve the agenda as circulated.	Ms. Chiba-Miguel moved to approve the agenda as circulated. Ms. Kanna seconded the motion. Motion carried 7:0.
PUBLIC TESTIMONY	There was no one present from the public wishing to provide public testimony on any agenda item.	
APPROVAL OF OPEN SESSION MINUTES OF FEBRUARY 20, 2025, MEETING	Administrator Ching apologized to the Commission for circulating the minutes immediately prior to the start of the meeting. Administrator Ching noted that the Commission can defer approval of the minutes to allow Commissioners time to review the minutes.	Ms. Kanna moved to defer approval of the February 20, 2025, meeting minutes to the next Commission meeting. Ms. Chiba-Miguel seconded the motion. Motion carried 6:0. Vice Chair Katayama abstained from voting.
BUSINESS SC 2025-1	<p>Discussion and decision-making on submitting a Salary Resolution to establish maximum salary caps for certain County officers and employees included in Section 3-2.1 of the Kaua'i County Code for Fiscal Years 2025/2026, 2026/2027 and 2027/2028.</p> <p>Administrator Ching stated that depending on the discussion and decision-making on the agenda item, the Commission could be voting on a draft or providing final approval of the Salary Resolution. Administrator Ching noted that all Commissioners received the second draft of the Salary Resolution from Deputy County Attorney Michaels. Administrator Ching noted that Deputy County Attorney Michaels would provide a recap of the second draft for the Commission.</p> <p>Deputy County Attorney Michaels stated the following:</p> <ul style="list-style-type: none"> • There were a few modifications made since the initial draft. 	

SUBJECT	DISCUSSION	ACTION
	<ul style="list-style-type: none">• Article I, Section 1, Part 1 is the standard salary increase for the period of July 1, 2025 to June 30, 2026 of 3.5% for the positions of those officers and employees referenced in Article I, Section 3 of County of Kaua'i Salary Commission Resolution No. 2022-1, subject to further increase pursuant to Parts 2 and 3 below as applicable.• The default for all positions would be a 3.5% increase with a further increase applicable subject to Parts 2 and 3.• Article I, Section 1, Part 2 is the provision that helps the County get into compliance with Hawai'i Revised Statutes (HRS) 46-24 with respect to certain positions that were out of compliance including the Director of Finance, Department of Parks & Recreation, and County Clerk. This provision states that if after calculating the 3.5% increase in Part 1 above, the maximum salary of the department's first deputy or first assistant position exceeds 95% of the maximum salary of said department head position, then the maximum salary of said department head position shall be further increased until the maximum salary of said first deputy or first assistant position does not exceed 95% of the maximum salary of said department head position. This is stating that the first assistant or first deputy should not make more than 95% of the department head.• The parenthetical clause in Part 2 states that this does not include the alternative salary referenced in Article III of County of Kaua'i Salary Commission Resolution No. 2020-2. Deputy County Attorney Michaels noted that there should be a correction made to the draft Salary Resolution so that it reads, "...County of Kaua'i Salary Commission Resolution No. 2020-2." Deputy County Attorney Michaels explained that the parenthetical reference is regarding the Deputy Chief of Police and the Chief of Police having the authority to allow the Deputy Chief of Police to take his civil	

SUBJECT	DISCUSSION	ACTION
	<p>service pay structure into the Deputy Chief of Police position. This was done to incentivize internal applicants to step into the Deputy Chief of Police role.</p> <ul style="list-style-type: none">• Article I, Section 1, Part 3 addresses the salary of the Chief of Police position. If after calculating the 3.5% increase in Part 1, the maximum salary of the Chief of Police position is such that the base salary associated with the chosen alternative compensation referenced in Article III of County of Kaua'i Salary Commission Resolution No. 2020-2 (Deputy County Attorney Michaels again asked that the order of words be revised to read, "...County of Kaua'i Salary Commission Resolution No. 2020-2."), of the Deputy Chief of Police position exceeds 95% of the maximum salary of the Chief of Police position, then the Police Commission in its discretion may and should choose to further increase the salary of the Chief of Police position until the base salary of the Deputy Chief of Police position does not exceed 95% of the salary of the Chief of Police position. Part 3 states that the Police Commission as the appointing authority for the Chief of Police position has a choice to either provide the maximum salary that is calculated in Part 1 or to further increase that salary such that the Deputy Chief of Police does not make more than 95% of what the Chief of Police makes. Part 3 was worded to read "...the Police Commission in its discretion may and should choose to further..." because the intention was to comply with two separate statutes at the same time. The first is HRS 46-24 which basically indicates that a first deputy or first assistant should not make more than 95% of the department head. The second provision that Part 3 was trying to comply with is HRS 78-18.3 which precludes mandatory adjustments directly or indirectly dependent on collective	

SUBJECT	DISCUSSION	ACTION
	<p>bargaining agreements. That is why there needs to be discretionary language in the draft Salary Resolution. The language ensures compliance with both HRS provisions noted earlier. The reason why the words “base salary” was used was that was the only way to interpret HRS 46-24. If you start going into things other than base salary, it would be an impractical interpretation of that statute, given that you are doing a 95% calculation prior to the commencement of the fiscal year.</p> <ul style="list-style-type: none">• Case law has held that statutes should be interpreted in a practical manner not in an impractical fashion.• The remaining provisions in Article I, Section 1, Parts 2-4, are standard to what was reviewed at previous Commission meetings. Section 2 covers the 3.5% increase for the period of July 1, 2026 to June 30, 2027. Section 3 covers the 3.5% increase that goes into effect on July 1, 2027. Section 4 is the rounding provision to make things a whole dollar for the sake of payroll.• Article II notes that the appointing authority may set the salary lower than the maximum salary. The last sentence in this Article also notes that the actual salaries should comply with HRS Section 46-24.• Article III describes the Monetary Monthly Medical Benefit in Lieu of Enrollment in a County Medical Coverage Plan. There were no changes to this Article from the last draft Salary Resolution.• Articles IV through VI remain unchanged from the last draft Salary Resolution. <p>Deputy County Attorney noted that he would be available for any questions from the Commission.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Vice Chair Katayama asked if the draft is to provide 95% of the salary based off the base salary, if there were any issues with not meeting that provision. Deputy County Attorney Michaels asked for clarification as to what sense Vice Chair Katayama was referencing. Vice Chair Katayama responded that if you look at the base for the Deputy Chief of Police and the Chief of Police, the difference is approximately \$15,000. \$132,000 is less than 95% of the Chief of Police's salary if just going by the base salary. The overtime pay and other pay is what creates the inversion problem. Chair Uyehara said that based on where the discussion might be headed, it might be advisable for the Commission to convene in Executive Session to have that discussion.</p> <p>There being no objections, the Commission moved to agenda item Executive Session SC 2025-1.</p>	
<p>EXECUTIVE SESSION SC 2025-1</p>	<p>Under Hawaii Revised Statutes §§ 92-4 and 92-5(a)(4), the purpose of this Executive Session is for the Commission to consult with its Attorney on the applicability of HRS § 46-24 to those positions affected by the Salary Resolution.</p> <p>Chair Uyehara asked for a motion to convene in Executive Session and to invite the Deputy County Attorney and Boards and Commissions Support Staff to the Executive Session.</p> <p>There being no objections, the meeting was recessed at 9:20 a.m. for the Commission to convene in Executive Session.</p>	<p>Ms. Kanna moved to convene in Executive Session and to invite Boards and Commissions Support Staff and the Deputy County Attorney to the Executive Session. Ms. Akiona-Arruda seconded the motion. Motion carried 7:0.</p>
<p>RETURN TO OPEN SESSION</p>	<p>There being no objections, the meeting reconvened at 11:18 a.m., and proceeded as follows:</p>	

SUBJECT	DISCUSSION	ACTION
<p>BUSINESS SC 2025-1 CONT.</p>	<p>Chair Uyehara stated that the Commission would get back on track with the agenda. Chair Uyehara asked for a motion to approve the draft Salary Resolution.</p> <p>Mr. Toner stated that he would like to amend the draft Salary Resolution to allow the Civil Service Commission to consider the HR Manager III as the first deputy or first assistant for purposes of Part 2.</p> <p>Deputy County Attorney Michaels stated that what the Commission is discussing is analogous to Part 3 where in Part 3 there is language about the Police Commission in its discretion may instead choose to increase the Salary of the Chief of Police position until the base salary of the Deputy Chief of Police position does not exceed 95%. The reason why that discretionary language was included was to comply with HRS 78-18.3. Deputy County Attorney Michaels stated that the HR Manager III position would raise a similar issue in that even if the HR Manager III position is a civil servant excluded from collective bargaining, that there is a separate statute that basically holds that excluded civil servant salaries are tied to salaries of included civil servants in collective bargaining. Deputy County Attorney Michaels stated that his discussion is that there should be similar discretionary language along the lines of Part 3 as opposed to the mandatory language seen in Part 2 that says the word shall. If the goal is to include the HR Director in this fashion, the language would need to be like Part 3 instead of Part 2 to include discretionary language to provide the Civil Service Commission with the alternative in its discretion to increase the salary.</p> <p>Vice Chair Katayama asked if that provision would become Part 4 of the draft Salary Resolution. Deputy County Attorney Michaels stated that Vice</p>	<p>Ms. Kanna moved to approve the draft Salary Resolution. Mr. Toner seconded the motion.</p> <p>Mr. Toner moved to amend the draft Salary Resolution to allow the Civil Service Commission to consider the HR Manager III as the first deputy or first assistant for purposes of setting the maximum salary of the Director of HR position allowing the Deputy County Attorney to effectuate the intent of the Salary Commission in drafting the necessary provision to do so. Ms. Kanna seconded the motion.</p>

SUBJECT	DISCUSSION	ACTION
	<p>Chair Katayama is correct. Chair Uyehara stated that the Commission would authorize the Deputy County Attorney to make the amendment to that effect to be implemented in the best way possible. Mr. Toner stated that he would revise his amendment motion to include allowing the Deputy County Attorney to draft the necessary provision to effectuate the will of the Commission. Vice Chair Katayama asked if the Deputy County Attorney could draft that amendment as Part 4 quickly. Deputy County Attorney Michaels asked if Vice Chair Katayama was asking to take a recess so that he could draft language to that effect. Vice Chair Katayama stated that Deputy County Attorney Michaels was correct. Deputy County Attorney Michaels stated that he could try to draft something while the Commission continues its discussion.</p> <p>Chair Uyehara stated that the Commission could just authorize the Deputy County Attorney to make the change after the Commission approves the concept. If the Commission is not comfortable with voting on something without seeing the draft provision, then the Commission can choose not to vote on it until draft language is prepared. Chair Uyehara stated that he does not believe the Commission can proceed with the agenda without a vote on the draft Salary Resolution. The vote on approving the Salary Resolution cannot be taken until the amendment is voted on. Vice Chair Katayama stated that he is fine moving in either direction. The structure is clear, and he does not see much difference in the language from Part 3.</p> <p>Administrator Ching stated that she would recommend against the proposed amendment. In crafting the Salary Resolution, the Deputy County Attorney, Boards and Commissions Administrator, and HR have gone through numerous drafts of the Salary Resolution and each time something new is caught that needs modification. She gets worried when</p>	

SUBJECT	DISCUSSION	ACTION
	<p>additional provisions are inserted without adequate time for review. In 2022, the Salary Commission approved the Salary Resolution and authorized the Office of Boards and Commissions and the Office of the County Attorney to work on finalizing the Salary Resolution because there were very minimal changes that were requested. Those changes were non-material and Administrator Ching stated that she considers this specific amendment a material change. Throughout this current process, information has come up that totally changed the complexion of what was being discussed. Administrator Ching stated that she does not feel comfortable making changes without the entire Commission seeing the changes in a new draft to ensure that it works with everything else. Administrator Ching stated that she feels uncomfortable with the amendment with the Commission not having reviewed it prior to the vote being taken. There is no time to really vet and think about the proposed amendment. Ms. Kanna stated that HR has been through the discussions, and she does not feel they were expecting anything additional in this round of maximum salary increases. Administrator Ching responded that the Director of HR would be appreciative of any increase, but the HR Manager III position is Ms. Rapozo's position, and she has 30 years with the County of Kaua'i. The Director has approximately 6 years in her position. The County is fortunate that the Director is an employment attorney, so she has a lot of experience in the field, but in her specific position she has 6 years of experience. Ms. Rapozo also served as the HR Director for a period as well. Mr. Toner stated that the challenge is that Ms. Rapozo should be the Director, but she did not remain in that position because she did not want to take a pay cut from her civil service salary. Mr. Toner stated that he would withdraw his motion to amend.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Administrator Ching stated that the Salary Resolution process has been quite the whirlwind as her Office was asked to prepare one with short notice. Following that, they were only recently made aware of the two HRS statutes that made things more difficult to navigate. Vice Chair Katayama jokingly stated that it was Deputy County Attorney Michaels' fault. Administrator Ching stated that the HRS statutes discovery was a huge material change. If the HRS statutes were not discovered, the Salary Commission could have gone happily with the 3.5% increase across-the-board and moved on to the other issues it planned to address.</p> <p>Mr. Toner stated that the HR salary discrepancy can be addressed in the Commission's future work.</p> <p>Administrator Ching noted that Deputy County Attorney Michaels did propose a couple of housekeeping amendments that would state in Article I, Section 1, Parts 2 and 3 "County of Kaua'i Salary Commission Resolution No. 2020-2" instead of "County of Kaua'i Resolution Salary Commission No. 2020-2." Administrator Ching asked the Commission to modify the main motion to allow the Deputy County Attorney and Boards and Commissions Administrator to finalize the Salary Commission Resolution which allows for minimal non-material changes to the Salary Commission Resolution. Another modification that would need to be made would be to the statement, "Adopted by the Salary Commission at its meeting on March 13, 2025." If the Salary Commission approves the draft Salary Resolution at this current meeting, the date would be changed to February 27, 2025 instead of March 13, 2025. The examples above are the non-material changes that the Deputy County Attorney and Boards and Commissions Administrator would make when finalizing the Salary Commission Resolution.</p>	<p>Mr. Toner withdrew his proposed amendment. Ms. Kanna withdrew her second.</p> <p>Ms. Kanna stated that she would accept the friendly amendment to allow the Deputy County Attorney and Boards and Commissions Administrator to make minimal non-material</p>

SUBJECT	DISCUSSION	ACTION
	<p>Vice Chair Katayama asked in relation to the Mayor’s salary increase, what was driving the increase. Administrator Ching stated that what is driving the increase for the Mayor is the maximum salary amount of the Managing Director and the 95% rule.</p> <p>Mr. Ono asked where the Chief of Staff position was located. Administrator Ching responded that the Chief of Staff position is not a position on the Salary Resolution.</p> <p>Vice Chair Katayama asked if the total percent increase with all the increases and adjustments made for the 95% rule amounted to 4.06%. Administrator Ching responded that Vice Chair Katayama was correct.</p> <p>Administrator Ching expressed her appreciation to the Commission and stated that she feels like she wants to cry.</p>	<p>changes to the Salary Commission Resolution when finalizing it. Mr. Toner stated that he would also accept the friendly amendment in seconding the motion.</p> <p>The motion to approve the draft Salary Resolution allowing the Deputy County Attorney and Boards and Commissions Administrator to make minimal non-material changes to the draft Salary Commission Resolution when finalizing it was then put and carried by a vote of 7:0.</p>
SC 2025-3	<p>Presentation of a Memorandum of Transmittal relating to the Salary Commission Resolution No. 2025-1 (Relating to establishing the maximum salary caps for certain County of Kaua’i officers and employees included in Section 3-2.1 of the Kaua’i County Code for Fiscal Years 2025/2026, 2026/2027, and 2027/2028, from the Salary Commission to Mayor Derek Kawakami and Council Chair Mel Rapozo and Members of the Kaua’i County Council.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Administrator Ching stated that a draft of the memorandum was provided to the Commission. At the bottom of page 2 there is a footnote explaining that there are some positions (referencing item 7) that basically in the 2022 Salary Resolution there were some salaries that were above other jurisdictions. Therefore, the statement about Kaua'i County having in general lower maximum salaries is no longer true for all positions. The exceptions were added in a footnote. The Mayor is at a salary that is above the Mayor of the County of Maui. The Deputy Prosecuting Attorneys at \$136,512 versus ranges for the County of Maui, Hawai'i County, and the City and County of Honolulu. The Deputy Director of Parks & Recreation at \$142,776 is higher than the amount for the same position in the County of Maui. The Council Chair's salary at \$88,512 is higher than the Council Chair's salary in the County of Maui. Those positions were the exceptions to having lower salaries than other jurisdictions.</p> <p>Administrator Ching pointed out that on page 3 of the memorandum, item 12 was stricken. From the last Commission meeting, the directive was to have the memorandum have a better flow so that the public could understand that points 1 through 11 was going through what the Commission saw and how they came to this Resolution. Then, given all these things that the Commission heard about and from reports the Commission received, then the Resolution was drafted (Exhibit N). The memorandum then goes into explaining narratively what the Resolution is doing in points 13 through 20. The final two points explain the intention of the Salary Commission moving forward.</p> <p>Chair Uyehara asked for a motion to approve the memorandum.</p>	<p>Ms. Kanna moved to approve the draft memorandum. Ms. Chiba-Miguel seconded the motion.</p>

SUBJECT	DISCUSSION	ACTION
	<p>Mr. Ono wanted to ensure that the financial amounts noted in the memorandum were in line with the figures provided by the Department of Finance. Mr. Ono asked if Exhibit L and M could be provided to the Commission. Administrator Ching stated that Exhibit M was a part of the meeting packet and descriptively was the Table of Projected Increases. On item 10, Administrator Ching noted that she specifically reached out to the Director of Finance to update the section based on her presentation. Mr. Ono thanked Administrator Ching for doing that work and reaching out to the Director of Finance. The figures provided were directly from the Director of Finance based on the presentation she gave to the Salary Commission.</p> <p>Chair Uyehara clarified that the motion to finalize the memorandum allowed for the Boards and Commissions Administrator to make minimal non-material changes as well in the process of finalizing the memorandum.</p> <p>Administrator Ching asked specifically for authorization to finalize the memorandum as well.</p> <p>Mr. Ono stated that on behalf of the Commission he really appreciates the assistance of the Office of Boards and Commissions to put together the draft memorandum containing a summary of everything that occurred at the meetings, in review of the information, and in listening to the presentations from the departments. The Commission thanked Administrator Ching for her efforts. Ms. Kanna stated that she feels the memorandum will go a long way in explaining to the public, Mayor, and Council what went into the crafting of the Salary Resolution.</p>	<p>Ms. Kanna and Ms. Chiba-Miguel both accepted the friendly amendments that would authorize the Boards and Commissions Administrator to make minimal non-material in the finalization of the memorandum.</p>

SUBJECT	DISCUSSION	ACTION
	<p>Vice Chair Katayama asked if there was a first assistant position anywhere in the County. Administrator Ching responded that there was no first assistant position in the County. Vice Chair Katayama stated that in point 14, there is reference to a first assistant position. Administrator Ching stated that the language came straight from the HRS statute. The title of first assistant is not typically used within the County of Kaua'i. However, the Housing Director recently created a first assistant in the Housing Agency. That was a part of the bucket list items that the Commission would explore further including who should be covered by the Salary Resolution moving forward given the various changes and/or additions to positions in each department. Deputy County Attorney Michaels stated that he believes the only position that might be referred to as First Deputy with those specific words are the First Deputy County Attorney and First Deputy Prosecuting Attorney. The interpretation of other positions would be that the Deputy Chief of Police for example would be the First Deputy even under the intention of the statute since the Deputy Chief of Police is an exempt employee.</p> <p>Chair Uyehara stated that the statutory language is meant to be descriptive and not specific as to the exact titles. Administrator Ching and Deputy County Attorney Michaels concurred with Chair Uyehara.</p> <p>Vice Chair Katayama cautioned that someone could create a title that falls under the statute if the Commission is not specific to the scope and reach of the Salary Resolution. Administrator Ching responded that HR is very sensitized to HRS 46-24 now and they are responsible for classification, descriptions, and titles of positions. Administrator Ching stated that she and Deputy County Attorney Michaels have had multiple daily email</p>	

SUBJECT	DISCUSSION	ACTION
	<p>conversations with HR about the various Salary Commission topics and everyone is very aware of the statute.</p> <p>Vice Chair Katayama asked if the Housing First Deputy is in or out of the Salary Resolution. Administrator Ching responded that the position is occupied. Vice Chair Katayama asked if the salary of the First Deputy for Housing falls under the constraints of the 95% rule. Administrator Ching responded that the question that needs to be answered is whether that position falls under the Salary Resolution. If it does fall under the Salary Resolution, then even more so, it becomes part of the positions that need to comply with the 95% rule. Since it is not currently a part of the Salary Resolution, the decision regarding the First Deputy in the Housing Agency becomes an HR issue versus a Salary Commission issue to deal with.</p> <p>Chair Uyehara stated that the language in the Salary Resolution is broad enough so that it could be interpreted in different ways to allow for compliance. Vice Chair Katayama responded that that is where everything gets confused and ends up having to be decided by the Supreme Court.</p> <p>Administrator Ching stated that when there are rule changes or rule amendments made due to being guided by HRS in rule making or administrative rules, what is often seen is that when the County gets so specific, there is no latitude from a procedural or operating basis, and it becomes very problematic. A minor but classic example is with the Police Commission. They are on their third rule amendment. The last rule amendment that was made was to insert the job description and evaluation documents into the rules. Now that they are going through an executive search, they cannot change the job description unless they go through a</p>	

SUBJECT	DISCUSSION	ACTION
	<p>rule amendment process. That process becomes so frustrating for everyone involved.</p> <p>Mr. Ono asked to comment on Ms. Chiba-Miguel's statement that when the Salary Resolution is presented to the Council, that the Commission should try to be present to support the representatives of the Salary Commission. Mr. Ono asked who those representatives would be. Administrator Ching clarified that that discussion would occur in the next agenda item.</p> <p>Administrator Ching apologized to the Commission as she stated she should have read the agenda item out loud. Administrator Ching proceeded to read aloud the agenda posting language for SC 2025-3.</p> <p>Vice Chair Katayama asked if the proposed salary increases were included as an Exhibit. Administrator Ching confirmed that it was. Vice Chair Katayama asked when the Commission would be able to see all the other noted exhibits. Administrator Ching responded that the Commission had already received all the exhibits and that she would include in the memorandum a table of all the exhibits. Chair Uyehara confirmed that adding the table of exhibits would be a part of Administrator Ching finalizing the memorandum. Administrator Ching concurred.</p> <p>Mr. Ono asked if there was an agenda item SC 2025-2. Administrator Ching stated that there was something previously occupying that agenda item number but that has since been disposed of.</p>	<p>The motion to approve the draft memorandum allowing the Boards and Commissions Administrator to make minimal non-material changes to the draft memorandum in the finalization of the memorandum was then put and carried by a vote of 7:0.</p>

SUBJECT	DISCUSSION	ACTION
<p>SC 2025-4</p>	<p>Discussion and decision-making on designating two or three members and alternates from the Salary Commission to appear before the County Council to address any questions related to the Salary Resolution to establish maximum salary caps for certain County officers and employees included in Section 3-2.1 of the Kaua'i County Code for Fiscal Years 2025/2026, 2026/2027, and 2027/2028.</p> <p>Chair Uyehara asked for a motion to designate two or three members to represent the Salary Commission before the Kaua'i County Council. Administrator Ching suggested that the Commission also designate alternates as all participants would be a part of meeting individually with each County Councilmember to walk them through the Salary Resolution. This is done so that by the time the item gets to the public County Council meeting, the representatives will be prepared to respond to any questions asked during the public County Council Meeting.</p> <p>Mr. Ono stated that he had difficulty with meeting the Council scheduling and appearing before the Council as the past Chair of the Salary Commission during the last go around. Mr. Ono stated that he would be okay with serving in an alternate position, but that would have to be vetted as well. Administrator Ching clarified that Mr. Ono works for a company that has a company policy as to when and under what conditions he can appear before the County Council. The last time, even though he was the Chair, he did not appear before the Council. Mr. Ono stated that as an alternate he could support the efforts in sitting in the individual meetings with Councilmembers.</p> <p>Vice Chair Katayama asked how far the vetting goes with respect to what seems like a simple Salary Resolution. Vice Chair Katayama asked if the</p>	<p>Mr. Toner moved to designate two or three members to represent the Salary Commission along with designated alternates to appear before the Kaua'i County Council. Mr. Ono seconded the motion.</p>

SUBJECT	DISCUSSION	ACTION
	<p>Commission would go over all the other issues they are dealing with in the future. Administrator Ching responded that she would recommend the Commission go into the other issues facing the Commission as another Salary Resolution is likely to be passed soon regarding those other issues. Administrator Ching stated that these briefing sessions are different this year as the Salary Commission is the final authority. The Council no longer has a say. The meetings are a courtesy to the Councilmembers and their constituents to walk them through the Salary Resolution. The individual meetings are also to prepare the Commissioners for the public Council Meeting as a temperature check to see if there are any Councilmembers who are not understanding the Salary Resolution or may need more information. This will allow the Commission to be prepared with that information at the public meeting. The Commission could also gage whether there are Councilmembers who are not in support of what the Salary Commission has approved. The Salary Resolution approved at the meeting is a done deal and no one else has veto power over the decision made by the Commission. The meetings with the Councilmembers are a courtesy to assist them in their understanding and to help them explain what happened to their constituents. The meetings are also an opportunity to lay the groundwork for the next Salary Resolution that is to come based on the bucket list issues that the Commission will be exploring further. The Commission has identified the long-standing problem of inversion as something it will explore. Though the issue has been persistent for many years, the Commission is not settling with letting it go status quo as it affects recruitment, retention, and internal promotion into leadership positions. The Commission would not be expected to go into the details of how the inversion process can be fixed, because those discussions and solutions have yet to be explored, but the minimal work of</p>	

SUBJECT	DISCUSSION	ACTION
	<p>preparing the ground for a future Salary Resolution can be done through these meetings.</p> <p>Vice Chair Katayama asked if Administrator Ching thought that the Commission solicited enough public input on the Salary Resolution process. Vice Chair Katayama explained that the public is one of the groups that the Commission needs to assure that they did their fiduciary responsibility on behalf of. Vice Chair Katayama stated that he feels the O'ahu Salary Commission did a horrible job at informing the public. The Salary Resolution passed during the meeting is benign and he does not anticipate many grumbling with a 3.5% salary increase. Mr. Toner stated that if the proposal was for larger salary increases, the Commission would have heard. Vice Chair Katayama responded that the problem is that no one in the public is aware of what is going on. Deputy County Attorney Michaels stated that the Salary Commission agendas are publicly noticed. Members of the public can look online at the Boards and Commissions website. The public does have the opportunity to submit public testimony and to appear before the Commission. The options were provided to the public. No one ultimately showed up, but the opportunity was provided.</p> <p>Ms. Kanna stated that the work of the Salary Commission is not a popular topic until word gets out. Administrator Ching stated the Commission could have done a more proactive job in trying to engage the public. In the next Salary Resolution and depending on where the Commission goes with that, she might suggest the Commission issue a press release notifying the public of the items that they are considering and asking for feedback. The Commission could go further and authorize members to attend organization meetings to further spread the word and receive feedback. Invitations could also be extended to business organizations to attend</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Commission meetings to provide comments or feedback on proposals being considered. There are a few things that the Commission could do. Administrator Ching stated that she was highly focused on meeting the March 15th deadline for submission of a Salary Resolution. Once the Commission went down the path of considering just the 3.5% increases, Administrator Ching did not feel the need to do any additional public outreach. There are a couple salaries that were increased by a greater percentage, but the basis of why those salaries were increased is based on a solid foundation of following the HRS statutes. The County is required by law to do it, and the Commission had no other choice at its disposal.</p> <p>Vice Chair Katayama reiterated that the basis of many of the issues addressed in the Salary Resolution is based off HRS 46-24, so the decisions were easy ones to make. The only difference from past years is that once transmitted, the decisions made by the Commission are a done deal. Mr. Toner stated that the public voted for that through passing the Charter Amendment. Ms. Kanna stated that she appreciates the Commission's approach to the Salary Resolution as it is a baby step in the right direction. The Commission is lulling the public into the next step. It is not like the Department of Water increasing their fee from \$7,000 to \$17,000 or \$25,000.</p> <p>Administrator Ching extended her appreciation to the Commission and the Commissions of years past as they continued to meet so that the increases are incremental instead of large increases at one time like Honolulu's 65% increases. The County of Hawai'i recently had 25% increases which caused a public uproar. Those are harder pills for the public to swallow.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Chair Uyehara asked that the Commission focus on the question of who will be the designated representatives and alternates. Mr. Toner stated that he should probably recuse himself from the meetings with the Councilmembers as he does work with one of the Councilmembers. Ms. Kanna asked if Mr. Toner could speak to the other Councilmembers. Mr. Toner responded that he would probably not be the best representative to speak to any of the Councilmembers.</p> <p><i>Mr. Toner was noted as not present and announced his excused departure from the meeting at 12:03 p.m.</i></p> <p>Chair Uyehara stated that in practice, the Commission could identify two to three primary representatives and consider everyone else on the Commission as alternates. Ms. Chiba-Miguel stated that the pool for the primary representatives was shrinking quickly. Ms. Chiba-Miguel stated that she would also need to check with her employer to ensure there is no conflict of interest. Mr. Ono stated that though he cannot attend the Council Meeting, he can attend and support the individual meetings with the Councilmembers. Mr. Ono stated that his presence might help with providing history having served as the Chair of the last Salary Commission that made a Salary Resolution proposal. Ms. Kanna stated that she is not as eloquent as others in presenting.</p> <p>Administrator Ching stated that the Commission should keep things simple to understand. Mr. Ono stated that the points explained in the memorandum under points 21 and 22 are important thoughts to share with the Councilmembers. The Commission agreed. Ms. Kanna again thanked Administrator Ching for drafting the memorandum.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Vice Chair Katayama stated that he would pinch hit. Ms. Kanna asked if the Chair and Vice Chair could represent the Commission before the Council. Both hesitantly agreed to do so.</p> <p>The remaining members were designated as alternates after checking with their employers and checking their individual schedules.</p> <p>Administrator Ching noted that with alternates being selected for the individual meetings with the Councilmembers, she will be working with Chair Uyehara on who to call to act as alternates.</p> <p>Administrator Ching stated that in previous meetings with Councilmembers she was told specifically to not send specific people back to meetings with Councilmembers, so she appreciates Mr. Toner's comments about possibly not being the best representative of the Commission. Ms. Kanna stated that she feels the current Commission does not have any personalities that rub people the wrong way.</p>	<p>The designated primary representatives would be Chair Uyehara and Vice Chair Katayama. The designated alternates would be Ms. Akiona-Arruda, Ms. Kanna, Ms. Chiba-Miguel, Mr. Ono, and Mr. Toner.</p> <p>The main motion with the designated primary representatives and alternates was then put and carried 6:0.</p>
ANNOUNCEMENT	<p>Chair Uyehara asked if the Commission Meeting for March 13, 2025, was still needed. Administrator Ching responded that the meeting would no longer be needed and that she would work with Chair Uyehara on the discussion items for the April Commission Meeting. Administrator Ching did put in information requests to the departments based on questions that arose at the Commission's last two meetings. She will be checking on the status of those requests and will ask those departments to attend the Commission's April meeting to provide their responses. Administrator Ching stated that she would also like to solidify a bucket list of items that the Commission brought up during discussion of things they wanted to</p>	

SUBJECT	DISCUSSION	ACTION
	<p>explore for the next iteration of a Salary Resolution, including what positions are a part of the Salary Resolution, the Director of HR decision, etc. The Commission can then have a full discussion and move towards decision-making on what will be done regarding those issues.</p> <p>Vice Chair Katayama stated that another issue is the definition of maximum salary and base salary.</p> <p>Ms. Chiba-Miguel asked if the frequency of meetings would be decided in April. Administrator Ching responded that the Commission would meet monthly on the 2nd Thursday of each month at 9:00 a.m.</p> <p>Ms. Chiba-Miguel asked if the date of the Council Meeting was known. Administrator Ching responded that the memorandum and Salary Resolution needs to be transmitted first to the Office of the Mayor and then it makes its way to the County Council. The item needs to be received by the Council two weeks in advance of the posted meeting to make the deadline for the agenda. Administrator Ching stated that she would keep the Commissioners posted. The individual meetings with the Councilmembers can be scheduled only after the transmittal to the Council is received by the Office of the County Clerk. Ms. Chiba-Miguel asked if the Council still approves the County budget. Administrator Ching responded that the Council will be heading into budget discussions in March and finalize the budget in May. Ms. Chiba-Miguel asked if the Salary Resolution might get bumped to outside of the budget session timeframe since that will be their priority. Administrator Ching stated that the Council would need to incorporate the Salary Resolution increases in the budget since they no longer have veto power. Vice Chair Katayama stated that the increase is a pretty nominal amount for them to incorporate into the budget. Ms. Chiba-Miguel stated that she thought perhaps they would entertain the Salary Resolution after their priority meetings regarding the</p>	

SUBJECT	DISCUSSION	ACTION
	<p>budget since that is their main priority. Administrator Ching stated that when the Council reviews the budget, they have a separate calendar of meetings for the budget.</p> <p>Chair Uyehara stated that given the situation, there is an open question as to whether the Council will even request the Salary Commission to be present at their meeting to discuss the Salary Resolution. Administrator Ching stated that that is a point of discussion now as to whether the Council would put the item on as an item of discussion or just as a communication being received for informational purposes only. Administrator Ching noted that the Council could have minimal discussion as they no longer have veto authority. Vice Chair Katayama stated that it would all depend on whether the Council wants to make a point or not. Administrator Ching reminded the Commission that there will be an upcoming Mayoral election in a couple of years which adds a spin on items evaluated by the Council.</p>	
ADJOURNMENT	There being no further business, Chair Uyehara asked for a motion to adjourn the meeting.	<p>Ms. Kanna moved to adjourn the meeting. Ms. Chiba-Miguel seconded the motion. Motion carried 6:0.</p> <p>The meeting was adjourned at 12:15 p.m.</p>

Submitted by: _____
Mercedes Omo, Staff Support Clerk

Reviewed and Approved by: _____
Joshua Uyehara, Chair

- () Approved as circulated on _____
- () Approved as amended. See minutes of _____ meeting.