

**COUNTY OF KAUAI
MINUTES
OPEN SESSION SPECIAL MEETING**

Approved

Board/Commission	Fire Commission	Meeting Date	June 16, 2022	
Location	Moikeha Building, Meeting Room 2A/2B	Start of Meeting:	9:00 a.m.	10:18 a.m.
Present	<p>Chair Chad Pacheco; Vice Chair Jen Chahanovich; Commissioners: Alfredo Garces Jr., Linda Kaauwai-Iwamoto, Alfred Levinthol, Michael Martinez, and Rodney Yama.</p> <p>Also present: Board & Commissions Office Staff: Support Clerk Mercedes Omo; Administrator Ellen Ching; Office of the County Attorney: Deputy County Attorney Jenna Tatsey; Board and Commissions Staff: Administrator Ellen Ching and Support Clerk Mercedes Omo. Invited guests: Managing Director Michael Dahilig and Human Resources Manager Janine Rapozo</p>			
Excused				
Absent				

SUBJECT	DISCUSSION	ACTION
Call to order		Chair Pacheco called the Special Fire Commission Open Session Meeting of June 16, 2022, to order at 9:00 a.m.
Roll Call		A roll ensued with all (7) Commissioners present to conduct business.
Approval of Agenda	Chair Pacheco called for a motion to approve the special meeting agenda of June 16, 2022, as circulated.	Commissioner Yama moved. Vice Chair Chahanovich second the motion. Hearing no objections, the agenda was approved.
Chair's Announcement	Next regular monthly meeting – Tuesday, June 21, 2022, at 2:00 p.m.	

SUBJECT	DISCUSSION	ACTION
Public Testimony on any Agenda Items	There were no testifiers.	
Business KFC 2022-4	<p><u>Discussion and decision-making on appointing a new Fire Chief for the Kauai Fire Department.</u></p> <p>Chair Pacheco asked if would be the appropriate to ask for a motion to enter Executive Session to consult with the Commission’s attorney on personnel decisions to which staff replied that he should call for a motion to enter executive session.</p>	
Executive Session KFC 2022-1	<p><u>Pursuant to Hawai’i Revised Statutes §92-4 and §92-5 (a) and (2), (4) and (6), the purpose of this Executive Session is for the Commission to discuss the hiring of a new Fire Chief whereas consideration of matters affecting privacy will be involved, and to consult with its attorney on questions and issues pertaining to the Commission’s powers, duties, privileges, immunities, and liabilities, and to consider sensitive matters related to public safety or security.</u></p>	<p>Chair Pacheco called for a motion to enter Executive Session. Commissioner Iwamoto second the motion. Hearing no objections. The motion passed.</p> <p>At 9:10 a.m. the Commissioners entered Executive Session.</p>
Return to Open Session	<p>At 9:54 a.m. the Commissioners returned to Open Session.</p> <p>Chair Pacheco stated that based on the discussion in Executive Session he would now like to open the floor for discussion on recommendations moving forward.</p> <p>Commissioner Martinez recommended that the Commission place the new Fire Chief on probation for a year and that he must undergo quarterly evaluations to see how he is progressing in his new role.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Commissioner Garces recommended rather than conduct quarterly evaluations which can be very time consuming it would benefit the Commission to have the new Fire Chief undergo a six-month evaluation followed by an annual evaluation being that he would be in his new position longer.</p> <p>Commissioner Yama wanted clarification if the direction the Commission is leaning towards is a direct appointment to which Chair Pacheco replied that the Commission could either do a direct appointment or an executive search.</p> <p>Commissioner Martinez wanted clarification if the Commission was to do a direct appointment, or an acting fire chief appointment would the six-month evaluation still be on the plate to which Chair Pacheco replied yes.</p> <p>Commissioner Martinez responded that if that's the case, he would rather the Commission do a direct appointment. Vice Chair Chahanovich agreed. She explained that by appointing an acting or interim fire chief would mean that the Commission wants to continue its search for a new fire chief.</p> <p>Chair Pacheco thanked everyone for their input, then called for a motion.</p>	<p><u>Motion</u> Commissioner Martinez moved to directly appoint Deputy Fire Chief Michael Gibson to the position of Fire Chief in the Kauai Fire Department effective June 23, 2022, and that he undergoes a six-month job performance evaluation. Commissioner Levinthol second the motion. Hearing no objections, the motion passed.</p>

SUBJECT	DISCUSSION	ACTION
	<p>After the motion passed, Commissioner Garces expressed his appreciation for Fire Chief Steve Goble, and that he hopes his legacy and the foundation he laid continues with the new Fire Chief. He added that Fire Chief Goble presence resonated well with the community, the men and women in the Kauai Fire Department and Ocean Safety.</p> <p>Administrator Ching stated that the June 23rd start date as noted in the motion may be incorrect because to her understanding Fire Chief Goble's last day of employment is on June 23, 2022, therefore the direct appointment start date should be June 24, 2022. But to make sure she would need to clarify with Human Resources and would like to request for a recess.</p> <p>At 9:58 a.m. Chair Pacheco called for a five-minute recess. At 10:03 a.m. Chair Pacheco called the meeting back to order.</p> <p>Administrator Ching stated that Fire Chief Goble last day of employment is on June 23, 2022, therefore the motion needs to be amended to reflect the correct start date for Fire Chief Michael Gibson's direct appointment as June 24, 2022. She asked that the maker of the motion accept the amendment as June 24, 2022, and that the second maker of the motion accept the amendment as well.</p> <p>Commissioner Martinez accepted the amended start date of June 24, 2022. Commissioner Levinthol followed.</p> <p>Chair Pacheco stated that as of June 24, 2022, Deputy Fire Chief Michael Gibson would now become Fire Chief Michael Gibson. Administrator Ching requested a roll call vote.</p>	<p>A roll call vote ensued with all seven (7) Commissioners voting unanimously in favor of the amended motion.</p>

SUBJECT	DISCUSSION	ACTION
	<p>Chair Pacheco stated that the next step is to establish new Fire Chief Michael Gibson's salary. He asked being that Fire Chief Gibson must undergo a six-month evaluation what options does the Commission have in terms of salary.</p> <p>For the Commission's knowledge, HR Manager Janine Rapozo stated that Fire Chief Goble's salary was at the maximum cap of \$137, 022.</p> <p>Administrator Ching stated that being that the Salary Commission establishes the maximum salaries of all elected and appointed officers as defined in Section 32.01 D of the Charter, the Fire Commission could offer the maximum salary or an amount below.</p> <p>HR Manager Janine Rapozo stated that the Fire Chief Goble was receiving the maximum salary of \$137,022. Chair Pacheco asked if the Commission could give step-up salaries to which HR Manager Rapozo replied that would be up to the Commission to decide noting that Deputy Fire Chief Gibson's salary is \$123,318.</p> <p>Administrator Ching stated that the Commissions with appointing authority would give the person the maximum salary being that the person they appointed was already working in the department. For outside new hires, some Commissions would normally start the salary below the maximum salary cap and depending how the person six-month evaluation they would increase the salary or not. It is up to the Fire Commission to decide what path it wants to take in terms of salary.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Chair Pacheco stated that 90% of what Fire Chief Gibson is at the maximum and giving him less than the maximum would be, for him, hard to do, especially, because he's been Fire Chief Goble's right-hand man for quite some time.</p> <p>Commissioner Martinez recommended a salary of \$130,000 which is more than what he is making now, and \$7,022.00 left can be used for his six-month evaluation.</p> <p>Vice Chair Chahanovich recommended giving newly appointed Fire Chief Gibson the maximum salary of \$137,022. She pointed out that the Commission is expecting him to step in his new role without skipping a beat, besides in this economy she doesn't think its unreasonable.</p> <p>Commissioners Martinez and Levinthol agreed. Commissioner Garces also agreed, noting that Fire Chief Gibson will have a lot to accomplish.</p> <p>Commissioner Iwamoto asked HR Manager Rapozo if the \$137,022 salary would increase a year from now to which Ms. Rapozo replied that to her understanding the Salary Commission maybe proposing salary increases for certain executive appointees and certain department heads but is needs to be approved by the county council.</p> <p>Based on the discussion, Chair Pacheco noted that it seems to him that the Commission is leaning towards establishing newly appointed Fire Chief Gibson salary at \$137,022. Hearing no further discussion, he called for a motion.</p>	<p><u>Motion</u> Vice Chair Chahanovich moved to establish newly appointed Fire Chief Michael Gibson's salary at \$137,022. Commissioner Iwamoto second the motion. Hearing no objections. The motion passed.</p>

SUBJECT	DISCUSSION	ACTION
	<p>Administrator Ching asked HR Manager Rapozo if there were other items the Commission need to address like conducting a drug test and a criminal history background check to which Ms. Rapozo replied that it's up to the Fire Commission to decide as to what type of pre-employment check they would like newly appointed Fire Chief Gibson to do. She would however, like the Commission to know that as Deputy Fire Chief those type of pre-employment checks were not conducted on him. Partly because he came on board as a short-term hire and evenly moved to the Deputy Fire Chief position which was up to Fire Chief Goble to do if he wanted to.</p> <p>She noted that if the Commission wants HR to conduct a pre-employment check on Deputy Fire Chief Gibson, Chair Pacheco would need to send a letter to HR saying that the Fire Commission has appointed Deputy Fire Chief Michael Gibson as the new Fire Chief effective June 24, 2022, and that the Fire Commission wants to set his salary at \$137,022, the maximum amount allowed by Salary Resolution 2019-1, and that the Commission requests HR's assistance to conduct a drug screening and a criminal history check on Deputy Fire Chief Gibson.</p> <p>Vice Chair Chahanovich asked because the drug screening and criminal history check is going to take some time would Deputy Fire Chief Gibson be able to be in Fire Chief position until the results come back to which Ms. Rapozo replied no, but he can be the Acting Fire Chief until the results comes back or keep his current position as Deputy Fire Chief until his results comes back.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Vice Chair Chahanovich asked what the timeframe is to which Ms. Rapozo is replied drug screenings normally take a day or two for the results to come back, criminal history background check could take a week anything beyond that takes longer.</p> <p>Administrator Ching mentioned that for Fire Chief Goble, the Fire Commission did a criminal history check (fingerprinting) and a drug screen.</p> <p>Chair Pacheco called for a motion to conduct a criminal history check (fingerprinting) and a drug screen on Deputy Fire Chief Michael Gibson.</p> <p>HR Manager Rapozo noted that it would be great if Chair Pacheco could get the letter to HR today, HR could the process to which Administrator Ching replied okay.</p> <p>HR Manager Rapozo noted that Deputy Fire Chief Gibson’s role as Fire Chief is contingent on his pre-employment offer and test results.</p> <p>Vice Chair Chahanovich asked if she is right to assume that Deputy Fire Chief Gibson’s benefits (car allowance) would remain the same as Fire Chief to which HR Manager Rapozo replied yes.</p>	<p><u>Motion</u> Commissioner Martinez moved to have Human Resources conduct a criminal history check (fingerprinting) and a drug screen on Deputy Fire Chief Michael Gibson. Commissioner Levinthol second the motion. Hearing no objections. The motion passed.</p>
<p>Adjournment</p>	<p>Being there were no further business to conduct, Chair Pacheco called for a motion to adjourn the meeting.</p>	<p>Vice Chair Chahanovich moved. Commissioner Martinez second the motion. Hearing no objections. The meeting adjourned at 10:18 a.m.</p>

Submitted by: _____
Mercedes Omo, Staff Support Clerk

Reviewed and Approved by: _____
Chad Pacheco , Chair

Approved as circulated on July 19, 2022.

Approved as amended. See minutes of _____ meeting.