

COUNTY OF KAUAI
SALARY COMMISSION
4444 RICE STREET, PIKOI BUILDING, SUITE 300
Līhu'e, Hawai'i 96766

APPROVED MINUTES OF THE COMMISSION'S SECOND TELECONFERENCE MEETING
FEBRUARY 23, 2022

CALL TO ORDER

Chair Patrick Ono called the Salary Commission teleconference meeting to order at 1:32 p.m.

ROLL CALL

Commissioners Trinette Kauai, Kenneth Rainforth, Vice Chair Laurie Yoshida, and Chair Patrick Ono voiced that they were present and alone to conduct business. Also in attendance was Boards and Commissions Administrator Ellen Ching, Support Clerk Mercedes Omo, and Deputy County Attorney Andrew Michaels.

PUBLIC TESTIMONY

None.

APPROVAL OF MINUTES

a) Open Session Minutes of January 19, 2022.

Chair Ono called for a motion to amend or approve the minutes.

There was a motion by Vice Chair Yoshida to approve the minutes of the January 19, 2022, meeting. Commissioner Kauai seconded the motion. Hearing no objections from the four Commissioners present, the minutes were approved as circulated.

BUSINESS

SC 2022-1:

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 Kauai County Code for Fiscal Year 2023/2024.

Chair Ono stated that he would like to have a discussion on plans to move forward with a salary resolution for FY 2023/2024. He asked Administrator Ching if she could provide the Commission with some information.

Administrator Ching referred to a memo dated February 16, 2022, from herself to Chair Ono regarding a salary resolution plan/schedule. She explained that the memo reflects when the last Salary Resolution was adopted in 2019, as well as a proposed plan/schedule to help the Commission meet the March 15 deadline to submit a salary resolution to Council.

She added that the previous transmittal memorandum for Salary Resolution 2019-1 that was sent to the County Council provided a synopsis of the Commission's considerations. Attached to the memo was a copy of the 2007 Nash study that was commissioned by the previous Salary Commission, a report from the County's Human Resources (HR) Department on salary and benefit comparisons for public and private employees, a report from the County's HR Department on salary comparisons for similar state and county positions, a report from the County's HR Department on salary inversions, and testimony received from the public, various members of Boards and Commissions, and the administration.

On March 27, 2019, the Council deliberated on Salary Resolution 2019-1 and voted to pass the Resolution. She commended Commissioner Kauai for appearing before Council and for doing a fantastic job on behalf of all the Department heads and the Commission.

Administrator Ching stated that given the March 15 deadline, the Commission may want to consider at a minimum, the following schedule, and presentations, but would like to ask the Commission to exclude the month of December to allow staff to take her access vacation leave or else she would lose it.

Vice Chair Yoshida asked being that the Commission already voted at a previous not to submit a salary resolution for fiscal year 2022/2023, if the plan/schedule was specifically for fiscal year 2023/2024 in which the Commission would submit a salary resolution before the March 15, 2023, deadline to which Administrator Ching replied yes, and pointed out that at the last meeting, a motion to suspend any discussion on submitting a resolution for fiscal 2022/2023, passed.

Chair Ono asked Administrator Ching if it was possible to update the memo without the December meeting to which Administrator Ching replied yes. Chair Ono noted that being that there would no longer to be a December meeting if the Commission could move the Finance Director's presentation and combine it with the October presentation to which Administrator Ching replied and noted that she would inform the Director of Finance to give her, the maximum amount of time. Noting that in November if the Commission could provide her with direction about the percentage increase so that she could work on a draft resolution and have it ready before the Commission for review in January, which would give her two months.

Commissioner Kauai noted that relative to the 2007 Nash Study to her knowledge there were no new updates. Administrator Ching stated that she would email an electronic copy of the 2007 Nash Study to each member, agreeing with Commissioner Kauai that the information was outdated.

Relative to the unions, Administrator Ching stated that the contract agreements the County's HR Director are in negotiations phase and are going probably through arbitrations with the various unions right now, that is why she scheduled HR's presentation in August.

Commissioner Kauai suggested that the Commission double up on some of the presentations and if the Commission needs to hold another meeting it could also do that too, but she'll leave up to the body to decide.

Chair Ono stated that what the Commission should consider is all the work it did last year, and then perhaps consider offering the Department heads the opportunity to present to the Salary Commission. If the Commission decides to double-up it would have an open month and would not have a formal schedule like the Commission did in the prior years.

Administrator Ching suggested to the Commissioners to perhaps have the Department heads presentations after the beginning of the new fiscal year because by then they will have their budgets in tack, and they'll know what they are dealing with. Also, the last salary in conjunction with the salary resolution, the mayor was just elected, and council was elected, and the salary resolution passed, and some of the questions and comments were those guys just got elected and there is a new administration so why they would be beginning raises. At that time, the mayor committed to saying Ok for the Department heads that he had purview over, he would not be granting any raises until they had their job performance evaluation. As for the other Department heads the direction of the administration was that they must cover any increases within their own budget.

Chair Ono stated that he gets where she's coming and believes keeping to the plan is a right path to take. Administrator Ching stated that she will try to schedule a few department heads at each meeting so its not such a lengthy meeting.

Vice Chair Yoshida stated that she doesn't know how much changes there in a year and would hate to have them come before the Commission just to regurgitate the same information so unless there is a significant change she doesn't really need to hear from each department.

Commissioner Rainforth agreed.

Commissioner Kauai stated that in the past, the Commission would have the department heads if they wanted to come before the Commission to voice their feelings about salary increases.

Administrator Ching stated that from the perspective of what's manageable for the Commission, and what's efficient hypothetically speaking, the Commission could say to the departments, give a one page on their perspective on salary increases. I could collect the information and email it to each Commissioner.

With no further discussion, Chair Ono thanked everyone for their input, then moved on to the next business item.

SC 2022-2 Discussion and decision-making on presenting proposals on any Charter amendments the Salary Commission would like the Charter Review Commission to consider. (Deferred 1/19/2022)

Chair Ono opened the floor for discussion on the two proposals 1) to digitize signatures and 2) to give the Salary Commission the authority to set salaries for certain County officers and employees included in Section 3-2.1 of the Kauai County Code.

Administrator Ching pointed out that currently, the Salary Commission must go to Council for them to approve a salary resolution, and as far as facsimile signatures, the Charter Review Commission consulted with their attorney in which their attorney basically said that the County already has the capability to use digital signatures - that specific area of the charter it talks about facsimile signatures which is in relationship to negotiable instruments or multiple bonds versus contracts therefore CRC based on their attorney's comment did not feel it was necessary to address the matter.

Regarding the proposal on giving the Salary Commission sole authority to set salaries, if the Salary Commissioners agreed, she would provide CRC with the same report showing the history of the proposal and if need be, they (CRC) could tweak the language. Administrator Ching stated that in her mind she thinks it would make more sense to put the proposal before the Charter Review Commission.

Vice Chair Yoshida asked if the previous Salary Commission voted to accept the proposal which ultimately ended being on the 2018 election ballot to which Administrator Ching replied it was adopted by CRC and placed on the election ballot, but it did not go any further.

Vice Chair Yoshida asked if it possible to change the minimum qualifications, not that she wants to. Administrator Ching replied that the only way to do that would be another charter amendment.

Chair Ono asked if a motion was needed to accept submitting the proposal to the Charter Review Commission for consideration to which Administrator Ching replied that if the Commission wants to accept the proposal, then a motion needs to be made and passed.

Vice Chair Yoshida moved to submit the proposal to the Charter Review Commission using the same language from 2018, to allow the Salary Commission to have the authority to establish the maximum salaries. Commissioner Rainforth seconded the motion.

Chair Ono asked the members if they had any more discussion on the matter. Administrator Ching commented that if the motion passes, she thinks that the Charter Review Commission would be open to placing the item on the election ballot, but the Salary Commission should be aware that it may draw up some controversy by having the question on the ballot. In the election, the Charter Review Commission decided to do a public information campaign and it was in digital format and it was very, very successful. All six (6) ballot questions that was put before the voters were adopted, which is very rare.

With no further discussion, Chair Ono thanked Administrator Ching for guidance, then called for a roll call vote.

Commissioner Kauai – Aye
Commissioner Rainforth – Aye
Vice Chair Yoshida – Aye
Chair Ono – Aye

The motion to submit a proposal to the Charter Review Commission using the same language from 2018, to allow the Salary Commission to have the authority to establish the maximum salaries carried unanimously.

SC 2022-3 Discussion and decision-making on setting the date for the next Salary Commission meeting.

After the discussion on the date, the Commission agreed that all future Salary Commission meetings will commence on the fourth, Wednesday of the set month to begin at 9:00 a.m. The next meeting will be held on Wednesday, July 27, 2022, at 9:00 a.m.

Adjournment

Being there were no further business to conduct, Chair Ono declared the meeting adjourned.

At 1:46 a.m. the meeting was adjourned.

Submitted by:
Mercedes Omo, Support Clerk

Approved as circulated: May 25, 2022

Patrick Ono, Chair Salary Commission