

COUNTY OF KAUAI SALARY COMMISSION
4444 RICE STREET, PIIKOI BUILDING
BOARDS AND COMMISSIONS CONFERENCE ROOM SUITE 300
LIHUE, HAWAII 96766

APPROVED MINUTES OF THE COMMISSION'S FIFTH OPEN SESSION MEETING:
July 27, 2022

CALL TO ORDER

At 9:00 a.m., Vice Chair Laurie Yoshida called the Salary Commission July 27, 2022, meeting to order.

ROLL CALL TO ASCERTAIN QUORUM

Vice Chair Yoshida called for a roll call to ascertain quorum.

A roll call ensued with Commissioners Trinette Kauai, Howard Leslie, Kenneth Rainforth, John Venardos, and Vice Chair Laurie Yoshida present to conduct business. Also present were Boards and Commissions Administrator Ellen Ching, Support Clerk Mercedes Omo, and Deputy County Attorney Andrew Michaels.

Chair Patrick Ono was excused from the meeting.

APPROVAL OF THE July 27, 2022, MEETING AGENDA

Vice Chair Yoshida called for a motion to approve the agenda.

There was a motion made by Commissioner Venardos to approve the July 22, 2022, meeting notice and agenda. Commissioner Kauai seconded the motion. Hearing no objections, the agenda was approved.

CHAIR'S ANNOUNCEMENTS

Vice Chair Yoshida announced that the next scheduled meeting will be at 9:00 a.m. on Wednesday, August 24, 2022, in the Boards and Commissions Conference Room.

PUBLIC TESTIMONY ON ALL AGENDA ITEMS

Vice Chair Yoshida asked staff if there were any registered testifiers to which staff replied there were none.

APPROVAL OF MINUTES

- a) Open Session Minutes of June 22, 2022, Meeting.
- b) Executive Session Minutes of June 22, 2022, Meeting.

Vice Chair Yoshida called for a motion to approve the meeting minutes.

There was a motion by Commissioner Rainforth to approve the open session minutes and the executive session minutes of June 22, 2022, meeting. Commissioner Venardos seconded the motion. Hearing no objections, the minutes were approved.

Boards and Commissions Administrator Ellen Ching announced that changes were made to the Sunshine Law and became effective in July. She explained that as the Office of Information Practices anticipated. H.B. 2026, H.D. 2, S.D. 1 was signed by Governor David Ige and thus has gone into effect as Act 264, which means that boards and commissions must implement the changes to the Sunshine Law's oral testimony requirement and board packet deadlines.

Act 264 prohibits boards from taking oral testimony only at the beginning of a board or commission meeting which means that the Salary Commission must take testimony throughout the meeting on each agenda item. But because there is no one from the public present at today's meeting Vice Chair Yoshida would not have to ask for public testimony on each agenda item; however, if a member of the public should appear Vice Chair Yoshida would have to suspend the rules and then call for public testimony on each agenda item.

Vice Chair Yoshida noted for the record being that she doesn't see any one from the public in the audience wishing to give testimony she will move on to business item SC 2022-7.

SC 2022-7:

Discussion and decision-making on a draft Salary Resolution to establish the maximum salary caps for certain County officers and employees included in Section 3-2.1 of the Kauai County Code.

a) Copy of the Consumer Price Index, Honolulu Area – May 2022.

Vice Chair Yoshida called on Administrator Ellen Ching to address the Salary Commission.

Administrator Ching stated that at a previous the Salary Commission meeting the Commission asked if she could provide a copy of the Honolulu Consumer Price Index to add to the list of information that had already been provided to the Commission prior by Human Resources Manager Janine Rapozo. She explained that relative to the Salary Resolution, she created a table of projected increases of all elected and appointed officers defined in Section 23.01D of the County Charter for the period of January 1, 2023, to June 30, 2023, July 1, 2023, to June 30, 2024, and July 1, 2024.

She noted that for payroll purposes HR requested that the maximum salary cap be divisible by 24 and rounded to the nearest hundred and as result of that calculation the maximum salaries for each position are highlighted in yellow.

In response to questioning from Commissioner Venardos, Administrator Ching responded that all elected positions, and officers may voluntarily accept a salary lower than the maximum salary established in the resolution for their position, or may voluntarily forego accepting a salary. She went on to explained that the positions highlighted in purple represent department heads who are appointed by the mayor, and whose salaries are determined by the mayor. She shared that in the past, Mayor Kawakami did not give the department heads increases until after they completed a year of service and had a satisfactory or better job performance evaluation.

The positions highlighted in orange (i.e., Police Chief, Fire Chief, Director of Human Resources) are appointed by a board or commission. It is up to the board or commission to determine whether their respective department head gets an increase.

The positions highlighted in green represent the county clerk and the county auditor positions and are council appointed, and finally positions that are not highlighted they represent the deputy positions and are appointed by the department head.

In response to Commissioner Rainforth questioning, Administrator Ching stated that the county does not have a county auditor.

In response to Commissioner Kauai's questioning, Administrator Ching stated that the department head/director determines their respective deputies' salaries.

Vice Chair Yoshida called on Deputy County Attorney Andrew Michaels to address the Commissioners on the draft salary resolution.

Deputy County Attorney Michaels stated that the salary resolution is a concise account of the time period when the 5% present salaries increase for certain officers and employees would take effect. He noted that when drafting the new salary resolution, they incorporated in reference to Salary Resolution No. 2019-1, which spells out those particular officers and employees in Article 1, parts I, II and III of Salary Resolution No. 2019-1.

In response to questioning by Commissioner Venardos, Commissioner Kauai stated that to her knowledge in the past, the mayor by executive order froze the salaries for certain officers and employees. Vice Chair Yoshida added that to her understanding prior to Salary Resolution 2019 1, council approved the increases but did not accept their increase.

In response to Vice Chair Yoshida's questioning, Deputy County Attorney Michaels stated that should council decided not to approve a particular section it would not negate the other two sections.

In response to Administrator Ching's questioning, Deputy County Attorney Michaels stated that it would be more of challenge for council to not approve a certain position increase because of the way the Salary Resolution is written in that it does not list each position line-by-line.

however, it's not totally impossible, but he would need to more research on that.

In response to Vice Chair Yoshida's questioning, Deputy County Attorney Michaels stated that council could eliminate a section. Administrator Ching stated that the next item of business addresses the memorandum which will include all of the information the Salary Commission has considered including Commission's discussions which will go over to council in an executive summary.

In response to Commissioner Rainforth's questioning, Vice Chair Yoshida stated that she would like to call for a motion to discuss the proposed draft Salary Resolution.

There was a motion by Commissioner Rainforth to adopt the Salary Resolution with the correction to add Commissioner John Vernardos name to the signatory line and submit the Salary Resolution to the County Council as soon as possible. Commissioner Kauai seconded the motion.

In response to Commissioner Kauai's concerns about submitting the table of projected increases that it would make things complicated, Administrator Ching explained that she created the table because she wanted the Commission to know without a doubt what the Commission is voting for. Also, because the Commission is proposing 5% increases for three (3) years the Commissioners would be able to see the scheduled increases for certain officers and employees defined in Section 23.01D of the Charter.

Commissioner Kauai noted when looking at the Salary Resolution in essence those certain officers and employees would be getting a 10% increase in 2023 to which Vice Chair Yoshida replied yes.

Commissioner Rainforth noted that when he first looked at the proposed Salary Resolution the 15% increase it's probably going to go a little hard with the public so the sooner the Salary Commission submits the resolution the better. But in retrospect the cost-of-living changes and what the unions are doing he doesn't feel bad about the 15% increase.

Vice Chair Yoshida commented that those positions went without an increase for three and half years. Commissioner Leslie stated that who ever is making the argument could reflect back to three and half years of inflation.

In response to Commissioner Kauai's questioning, Administrator Ching stated that she would speak to the Director of Finance Reiko Matsuyama to ask her if she could be available to attend the council's meeting in case any of the councilmembers have questions Vice Chair Yoshida could refer those questions to Director Matusyama.

With no further discussion, questions or comments, Vice Chair Yoshida called for the vote. Hearing no objections. The motion to adopt the Salary Resolution with the changes to add Commissioner John Venardos name to the signatory line carried 5:0.

SC 2022-9

Discussion and decision-making on drafting a memorandum of transmittal to accompany the Salary Resolution to Chair Arryl Kaneshiro and Members of the Kauai County Council.

Administrator Ching stated that to expedite transmitting the Salary Resolution over to the county council she would need a broad motion to allow Deputy County Attorney Michaels and her to draft the memo and finalize the memo and hopefully have ready for the August meeting.

With no further discussion, Vice Chair Yoshida called for a motion.

A motion was made by Commissioner Kauai to designate Deputy County Attorney Andrew Michaels and Boards and Commissions Administrator Ellen Ching to draft the memorandum of transmittal to accompany the Salary Resolution to the county council. Commissioner Leslie seconded the motion. Hearing no objections, the motion carried 5:0.

Administrator Ching noted that she will present the Salary Resolution with the changes and (hopefully) present the finalized memo of transmittal for the Commission to review. She pointed out that the absolute deadline to submit the resolution to council is September 9, but because things are moving forward the Commission may submit the resolution earlier.

In response to Commissioner Leslie's questioning, Administrator Ching stated that the Salary Resolution and all supporting documents that will be transmitted to the county council; council will hold the discussion and decision-making in open session.

ADJOURNMENT

Being there were no further business to conduct, Vice Chair Yoshida called for a motion to adjourn the meeting.

There was a motion by Commissioner Rainforth to adjourn the meeting. Commissioner Kauai seconded the motion. Hearing no objections, the meeting adjourned at 9:28 a.m.

Submitted by:
Mercedes Omo Support Clerk

Approved as circulated on: August 24, 2022
Approved as amended on:

Laurie Yoshida, Vice Chair Kauai Salary Commission