

Media Statement

FILE

Under Section 29.03 of the Kaua'i County Charter, the Salary Commission adopts a resolution setting forth the salaries of various elected and non-elected County officers and employees. The resolution is then forwarded to the Mayor and the Council. The Council may, by a vote of not less than five members, reject all or any selected portion of the resolution. (Section 29.03 is attached hereto).

On August 25, 2009, the Salary Commission transmitted the Resolution No. 2009-2 to the County Council. (Transmittal and Resolution No. 2009-2 are attached hereto). The Resolution was placed on the September 23, 2009 Council agenda. Councilmember Tim Bynum seconded the motion to receive the Resolution, meaning that the Council would not be rejecting any portion of the Resolution, including the line item that set the County Clerk's salary. (Relevant portions of the minutes of the September 23, 2009 Council meeting are attached hereto).

Then Council Chair Kaipo Asing circulated evaluations forms prepared by the Director of Personnel. I filled out the evaluation and I know that Mr. Nakamura was also evaluated by Councilmember Derek Kawakami and Mr. Bynum. While I cannot disclose the contents of the evaluation because it is a personnel matter, I am confident that Mr. Nakamura met the requirements for his raise. Council Chair Asing sent a memorandum to the Director of Personnel indicating that Mr. Nakamura met the criteria and was entitled to his salary. (A copy of the memorandum is attached hereto).

On April 1, 2010, Mr. Bynum submitted written testimony to the Salary Commission. In the testimony, he stated that, "Currently, the County Clerk, County Auditor and Prosecutor all have salaries greater than the Mayor" and asked the Salary Commission to adjust the salaries. (A copy of the testimony is attached hereto). Mr. Bynum appeared before the Salary Commission and testified that the salaries should be adjusted not because of any concern about the Clerk's performance, but because it was improper for the clerk, auditor and prosecutor to have higher salaries than the mayor (a copy of the minutes are attached hereto).

On May 26, 2010, the County Council unanimously approved Bill No. 2356, Draft 1, which again included a line item that set the County Clerk's salary. (Relevant portions of Bill No. 2356 are attached hereto). As you can see from the record of the votes cast, Mr. Bynum voted for approval of this bill.

Section 28.07. Appropriation. The mayor and council shall provide an annual appropriation sufficient to enable the commission to secure clerical help and pay other operational costs. The commission shall be provided with the latest mayor's annual report and the council's latest audit report. The commission is empowered to secure from any department, agency, official or employee, any report or information the commission requests that is appropriate to its function. All such requests shall be made through the office of the mayor or the chairman of the council for information within their respective jurisdictions. (Amended 1988)

**ARTICLE XXIX
SALARY COMMISSION**

Section 29.01. Organization. There shall be a Salary Commission composed of seven members to establish the salaries of all councilmembers and all officers and employees included in Section 3-2.1 of the Kauai County Code 1987, as amended. (Amended 1988, 2006)

Section 29.02. Policies. The commission shall adopt and, when it deems necessary, may change the policies governing its salary-setting decisions. (Amended 1988, 2006)

Section 29.03. Resolution. The commission's salary findings shall be adopted by resolution of the commission and forwarded to the mayor and the council on or before March 15. Subject to Section 29.05, the resolution shall take effect without the mayor's and council's concurrence sixty days after its adoption unless rejected by a vote of not less than five members of the council. The council may reject either the entire resolution or any portion of it. The respective appointing authority may set the salary of an appointee at a figure lower than the figure established by ordinance for the position. (Amended 1988, 2006)*See footnote

Section 29.04 Rules. The commission shall establish its rules of procedures and adopt rules and regulations pursuant to law. (Amended 1988, 2006)

Section 29.05 Changes in Salary. No change in salary of councilmembers shall be effective during the term in which a change is enacted or for twenty-four months after a change is enacted, whichever is less. (Amended 1988, 2006)

Section 29.06 Administration and Operation. The mayor and council shall provide an annual appropriation sufficient to enable the commission to secure clerical assistance and pay other operational costs in the performance of its duties. (Amended 1988, 2006)

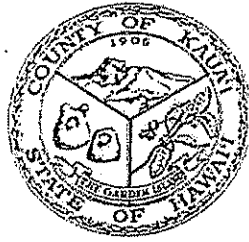
*See section 29.01 2006 Charter Amendment proposal #5 & #9 for clarification.

ARTICLE XXX

Virginia Kapali
Chair

Randall Hee
1st Vice Chair

Thomas Cooper
2nd Vice Chair



MEMBERS:
Allan Smith
Robert Crowell
Trinette Kau
Dawn Murata

KAUAI SALARY COMMISSION
COUNTY OF KAUA'I
4444 Rice Street, Suite 150
Lihu'e, Hawai'i 96766

TO: The Honorable Kaipo "Bill" Asing, Chairman County Council
And Members of the Council

FROM: Virginia Kapali, Chairperson, and Kaua'i Salary Commission

DATE: August 25, 2009

RE: Resolution No. 2009-2, Relating to the Salaries of Certain Officers and Employees
of the County of Kaua'i - Adopted by the Salary Commission on August 25, 2009.

Transmitted herewith for consideration by the County Council is Resolution No. 2009-02 that was adopted by the Salary Commission at its meeting on August 25, 2009

Pursuant to Section 29.03 of the Kaua'i County Charter, the Salary Commission's findings shall be adopted by resolution and shall take effect without the Mayor's and Council's concurrence (60) days after its adoption unless rejected by a vote of not less than five (5) members of the Council. The Council may reject either the entire resolution or any portion of it.

If you have any questions, please contact myoun@kauai.gov at the Office of Boards and Commissions. Thank you.

Attachment

cc: Peter Nakamura, County Clerk
Mayor Bernard P. Carvalho Jr.
Malcolm Fernandez, Personnel Director
Alfred Castillo, County Attorney
Gary Heu, Administrative Assistant
Wally Rezentes, Jr., Finance Director

SALARY COMMISSION

COUNTY OF KAUA'I

Resolution

No. 2009-2

RESOLUTION RELATING TO THE SALARIES OF CERTAIN OFFICERS AND
EMPLOYEES OF THE COUNTY OF KAUA'I

WHEREAS, the Salary Commission received a request from the Mayor to defer any proposed salary increases for himself and his department heads and deputies until December 1, 2011; and

WHEREAS, the Salary Commission, along with other Boards and Commissions with the authority to appoint department heads, recognize and acknowledge the financial hardship faced by the County resulting from the severe global economic downturn; and

WHEREAS, although the Commission members feels that the salary increases proposed to take effect on December 1, 2009 are reasonable and justified, they also find it necessary to proceed with caution due to the current downward trend in the economy; and

WHEREAS, the Commission feels that the prudent course of action given the current economic conditions are to freeze any future salary increases for the Mayor and any Mayoral and Board or Commission appointed department heads and deputies until December 1, 2010; and

WHEREAS, pursuant to Section 29.03 of the Kaua'i County Charter, the Salary Commission's findings shall be adopted by resolution of the Commission and the resolution shall take effect without the Mayor's and Council's concurrence sixty (60) days after its adoption unless rejected by a vote of not less than five (5) members of the council; now, therefore,

BE IT RESOLVED BY THE SALARY COMMISSION, OF THE COUNTY OF KAUA'I, STATE OF HAWAII, that the provisions related to the "Salaries of Certain Officers" of the County of Kaua'i, be amended as follows:

SECTION 1. Pursuant to Section 29.03 of the Charter of the County of Kaua'i (hereinafter "Charter"), the Salary Commission hereby resolves to propose the changes described in this resolution to the Kaua'i County Council as follows:

Article 1 Salaries of Certain Officers.

(a) Purpose. The purpose of this Article is to establish the salaries of certain county officers and employees in accordance with the principles of adequate compensation for work

performed, and preservation of a sensible relationship with the salaries of other county employees.

(b) Effective as of the dates stated below and subject to the performance review requirements of subsection (d), the annual salaries, payable semi-monthly, of certain county officers and employees shall be as follows:

| Position | Effective Dates | | | |
|--|---------------------------|---------------------------|----------------------------------|---|
| | 7/1/07 | 1/1/08 | 12/1/08 (12 o'clock meridian) | [12/1/09] <u>12/01/10</u> |
| Mayor | \$100,100 | \$107,000 | \$114,490 | \$122,504 |
| Administrative Assistant | \$ 96,250 | \$102,988 | \$110,197 | \$117,911 |
| County Engineer | \$ 93,750 | \$100,313 | \$107,335 | \$114,848 |
| Deputy County Engineer | \$ 86,250 | \$ 92,288 | \$ 98,748 | \$105,660 |
| Director of Finance | \$ 93,750 | \$100,313 | \$107,335 | \$114,848 |
| Deputy Director of Finance | \$ 86,250 | \$ 92,288 | \$ 98,748 | \$105,660 |
| County Attorney | \$ 93,750 | \$100,313 | \$107,335 | \$114,848 |
| First Deputy County Attorney | \$ 86,250 | \$ 92,288 | \$ 98,748 | \$105,660 |
| Deputy County Attorney | Up to \$82,500 | Up to \$88,275 | Up to \$94,454 | Up to \$101,066 |
| [Prosecuting Attorney | \$ 93,750 | \$100,313 | \$107,335 | \$114,848 |
| First Deputy Prosecuting Attorney | \$ 86,250 | \$ 92,288 | \$ 98,748 | \$105,660 |
| Deputy Prosecuting Attorney | Up to \$82,500 | Up to \$88,275 | Up to \$94,454 | Up to \$101,066] |
| Chief of Police | \$ 93,750 | \$100,313 | \$107,335 | \$114,848 |
| Deputy Chief of Police | \$ 86,250 | \$ 92,288 | \$ 98,748 | \$105,660 |
| Planning Director | \$ 93,750 | \$100,313 | \$107,335 | \$114,848 |
| Deputy Planning Director | \$ 86,250 | \$ 92,288 | \$ 98,748 | \$105,660 |
| Director of Personnel | \$ 90,000 | \$ 96,300 | \$103,041 | \$110,254 |
| Manager and Chief Engineer, Department of Water | \$ 93,750 | \$100,313 | \$107,335 | \$114,848 |
| Deputy Manager-Engineer, Department of Water | \$ 86,250 | \$ 92,288 | \$ 98,748 | \$105,660 |
| Fire Chief | \$ 93,750 | \$100,313 | \$107,335 | \$114,848 |
| Deputy Fire Chief | \$86,250 | \$ 92,288 | \$98,748 | \$105,660 |
| [County Clerk | \$ 93,750 | \$100,313 | \$107,335 | \$114,848 |
| Deputy County Clerk | \$ 86,250 | \$ 92,288 | \$98,748 | \$105,660 |

| | | | | |
|----------------------------------|-----------|-----------|-----------|------------|
| County Auditor | | | \$107,335 | \$114,848] |
| Director of Economic Development | \$ 90,000 | \$ 96,300 | \$103,041 | \$110,254 |
| Director of Liquor Control | \$ 90,000 | \$ 96,300 | \$103,041 | \$110,254 |
| Director of Parks | \$ 93,750 | \$100,313 | \$107,335 | \$114,848 |
| Deputy Director of Parks | \$ 86,250 | \$ 92,288 | \$ 98,748 | \$105,660 |
| Director of Housing | \$ 90,000 | \$ 96,300 | \$103,041 | \$110,254 |

(c) New officer and employee salaries shall not exceed the maximum salary provided for in subsection (b) at the time of employment. However, the respective appointing authority may set the salary of any new or existing appointee at a figure lower than the figure established for the position.

(d) Requirements for salary increase. The salary increase for any non-elected officer or employee occupying and continuing in a position listed in subsection (b) is contingent on the Director of Personnel's receipt of the following:

- (1) A memo from the officer's or employee's appointing authority at least thirty (30) days prior to the increase certifying that appointee's performance has been evaluated pursuant to procedures established by the Director of Personnel; and
- (2) A copy of the officer's or employee's completed performance evaluation evidencing that the appointee has met or exceeded job requirements (for example, has achieved a rating of three points or higher in a five point scale) for the appraisal period.
- (3) Based on the evaluation results, the appointing authority's recommendation on whether a proposed increase should be granted. The appointing authority may recommend an increase for an officer or employee occupying a position at a figure below the proposed salary increase provided for in subsection (b).

Provided however, the county attorney's performance shall be conducted through an equally weighted evaluation that shall be jointly administered by the mayor and the council chairperson in accordance with paragraphs (1), (2) and (3) above.

The Director of Personnel shall provide the Salary Commission with a list of the names and positions of all officers and employees covered under this subsection, indicate whether or not they have satisfactorily met the performance evaluation criteria, and include the recommended salary increase, if any.

(e) Performance evaluations. The Director of Personnel shall prepare, for approval by the Mayor, written performance evaluation procedures and methodologies and coordinate the performance evaluations process for all non-elected officers or employees listed in subsection (b).

The Director of Personnel shall provide a copy of the performance evaluation procedures and methodologies, including any revisions thereto, to the Salary Commission.

(f) Officers or employees listed in subsection (b) may receive a portion of their salary through the County's payment of health fund premium benefits over and above the amount the County normally contributes toward those officers' benefits. Amounts paid by the County which are over and above the County's normal health fund premium contributions shall be deducted from the affected officer's or employee's salary.

Article 2 Salaries of the Prosecuting Attorney and Deputies.

(a) Effective as of the dates stated below and subject to the provisions and performance review requirements provided for in Article 1, subsection (d), (e) and (f) above, the annual salaries, payable semi-monthly, of the Prosecuting attorney and deputy prosecuting attorneys shall be as follows:

| <u>Position</u> | <u>7/1/07</u> | <u>1/1/08</u> | <u>12/1/08</u> <small>(12 o'clock meridian)</small> | <u>12/01/09</u> |
|--|-----------------------|-----------------------|--|------------------------|
| <u>Prosecuting Attorney</u> | <u>\$ 93,750</u> | <u>\$100,313</u> | <u>\$107,335</u> | <u>\$114,848</u> |
| <u>First Deputy Prosecuting Attorney</u> | <u>\$ 86,250</u> | <u>\$ 92,288</u> | <u>\$ 98,748</u> | <u>\$105,660</u> |
| <u>Deputy Prosecuting Attorney</u> | <u>Up to \$82,500</u> | <u>Up to \$88,275</u> | <u>Up to \$94,454</u> | <u>Up to \$101,066</u> |

(b) The salaries of the Prosecuting Attorney and any deputy prosecuting attorney shall not exceed the maximum salary provided for in this Article at the time of employment. However, the Prosecuting Attorney may set the salary of any new or existing deputy at a figure lower than the figure established for the position.

Article [2] 3 Salaries of the County Council and Council Appointees.

(a) Effective at twelve o'clock meridian on December 1, 2008, the annual salaries, payable semi-monthly, of the Kaua'i County Council shall be as follows:

| <u>Position</u> | |
|----------------------|-----------------|
| <u>Council Chair</u> | <u>\$59,699</u> |
| <u>Councilmember</u> | <u>\$53,066</u> |

(b) Effective on December 1, 2009, the annual salaries, payable semi-monthly, of the Kaua'i County Council shall be as follows:

| <u>Position</u> | |
|----------------------|-----------------|
| <u>Council Chair</u> | <u>\$63,879</u> |
| <u>Councilmember</u> | <u>\$56,781</u> |

(c) Effective as of the dates stated below and subject to the provisions and performance review requirements provided for in Article 1, subsection (d), (e) and (f) above, the annual

salaries, payable semi-monthly, of the County Clerk, Deputy County Clerk and County Auditor shall be as follows:

| <u>Position</u> | <u>7/1/07</u> | <u>1/1/08</u> | <u>12/1/08</u> <u>(12 o'clock meridian)</u> | <u>12/01/09</u> |
|----------------------------|------------------|------------------|--|------------------|
| <u>County Clerk</u> | <u>\$ 93,750</u> | <u>\$100,313</u> | <u>\$107,335</u> | <u>\$114,848</u> |
| <u>Deputy County Clerk</u> | <u>\$ 86,250</u> | <u>\$ 92,288</u> | <u>\$98,748</u> | <u>\$105,660</u> |
| <u>County Auditor</u> | | | <u>\$107,335</u> | <u>\$114,848</u> |

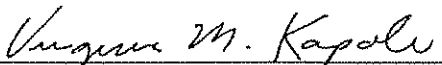
(d) Salaries of the Council Chair, Councilmembers, and employees shall not exceed the maximum salary provided for in this Article at the time of employment. However, the respective appointing authority may set the salary of any new or existing appointee at a figure lower than the figure established for the position.

SECTION 2. Material to be deleted is bracketed. New material to be added is underscored.

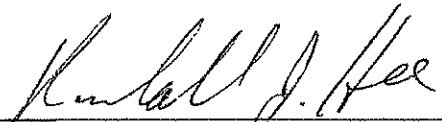
BE IT FURTHER RESOLVED, if any portion or portions of this resolution are deemed invalid or rejected by a vote of five (5) or more councilmembers, the other provisions of this resolution shall not be affected thereby. If the application of this resolution or any of its provisions to any person or circumstances is held invalid, the application of this resolution and its provisions to other persons or circumstances shall not be affected thereby.

BE IT FINALLY RESOLVED, within thirty (30) calendar days after the effective date of this resolution, the County Clerk shall cause this resolution to be codified and transmit the codified resolution to the Salary Commission, Mayor and Personnel Director.

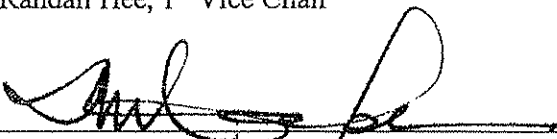
Adopted by the Salary Commission of the County of Kaua'i at its meeting on August 25, 2009:



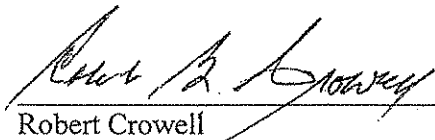
Virginia Kapali, Chair



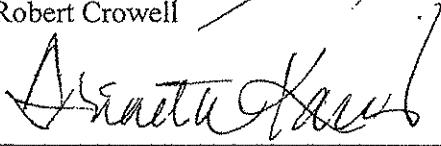
Randall Hee, 1st Vice Chair



Thomas Cooper, 2nd Vice Chair



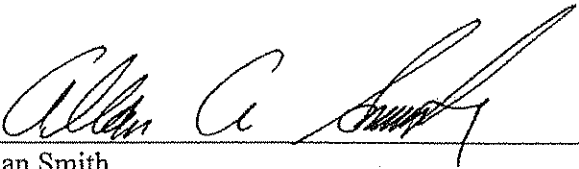
Robert Crowell



Trinette Kauai



Dawn Murata



Allan Smith

COUNCIL MEETING

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September 23, 2009

C 2009-307 Communication (08/19/2009) from the Mayor, transmitting for Council information the Cost Control Commission's recommendations and findings regarding a County performance contract proposal and the establishment of departmental employee green teams. Mr. Chang moved to receive C 2009-307 for the record, seconded by Mr. Kawakami.

Mr. Hynum: Thank you Mr. Chair. I just wanted to recognize the Cost Control Commission for their work on this initiative and the mayor's intent as stated in this cover letter to implement both these recommendations related to energy savings: 1) creating...using an energy saving performance contract which the county has used to great success in the past and is consistent with kind of the reading of working in this day and age to increase efficiency of energy usage. These contracts will assure savings for the county and they've been employed successfully in the past. The other initiative is to create a county employee green team, which really empowers members at the department level to look at county operations and acknowledge opportunities to save energy. So I just am very pleased with the Cost Control Commission's work. In this last year it was the commission that I was kind of unfamiliar with and has been pretty active I providing good recommendations. So thank you for letting me say that.

Council Chair Asing: Thank you. Any further discussion?
Councilmember Furfaro.

Mr. Furfaro: Yes Mr. Chair. Before we vote on this, I would like to send a communication over to the Cost Control Commission and ask them to have a presentation on some of the existing systems that we have in place, in particular, our Trade air conditioning management system that we have in certain county facilities, our computer programs that monitor circulating pumps... I would like to suggest that the Cost Control Commission get a presentation on the capacities and items that we have put in place over the last few years, to have a thorough understanding of what they can contribute and how they are currently being managed.

Council Chair Asing: Thank you. I think that's an excellent idea. Thank you for that information, and we will transmit that over to them.

Mr. Furfaro: Thank you.

Council Chair Asing: Any further discussion? If not...

The motion to receive C 2009-307 for the record was then put, and unanimously carried

C 2009-308 Communication (08/25/2009) from Virginia Kapali, Chairperson, Kauai Salary Commission, transmitting for Council information, Salary Commission Resolution No. 2009-2, relating to the salaries of certain officers and

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September 23, 2009

employees of the County of Kaua'i which was adopted by the Salary Commission at its August 25, 2009 meeting, and recommending amendments to the Kaua'i County Code related to salaries of certain officers and Council appointees: Mr. Chang moved to receive C 2009-308 for the record, seconded by Mr. Bynum.

Council Chair Asing: Any discussion?

Mr. Furfaro: I have discussion.

Council Chair Asing: Go ahead.

Mr. Furfaro: I might ask the county attorney if he could come up. I want to pose a couple questions to him before I vote on this item.

Council Chair Asing: Thank you. With that, county attorney please.

There being no objections, the rules were suspended.

AL CASTILLO, JR., County Attorney: Good morning, Council Chair, Councilmembers. Al Castillo, County Attorney.

Mr. Furfaro: Thank you Al for being here. Al, I just want to ask on... We have some deadlines coming up on salary commission dates here on these recommendations and so forth, and yet at the same time, there seems to be some inconsistency or a difference of opinion between certain commissions and the salary commission, as well as the mayor's position on funding and controlling costs going forward. Are we able to defer and send portions possibly of this proposed resolution back to the salary commission for further study?

Mr. Castillo: Yes. The answer to that is...that question is if you have any questions regarding the...what the salary commission did or recommendations or concerns, what you can do is you can itemize for the salary commission where you have concerns. So the answer to your question is can we defer, yes you can defer. However... Yes, you can defer and I can guide you more at a later date. So to not complicate the analysis right now, the answer to your question is yes you can defer.

Mr. Furfaro: Okay. And if I recall, this would become law in October sometime. Am I correct?

Mr. Castillo: Yes. Because this is...the form of this communication is in the nature of a resolution, yes it'll become law at the end of October, unless there...the salary commission decides to introduce something else in addition to what's there before you today. Because your questions raised... I cannot... I don't have a crystal ball, and but...you know, depending on the

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questions that you ask the salary commission, depending on what they do may change the resolution before you.

Mr. Furfaro: Okay. And do you know, do they still meet monthly or... If one of us wanted to testify in front of them or...

Mr. Castillo: Yeah, we discussed that, and what we would have to do is we would have to engage in a special meeting for the salary commission for the purpose of addressing any concerns that you have.

Mr. Furfaro: Okay, that answers my question

Council Chair Asing: Okay. Any further discussion? Councilmember Bynum.

Mr. Bynum: For clarification, my understanding coming in to the meeting is that our options were either to receive this and it would go into effect, or reject it by a super majority and... But we can't... My understanding, and if it's incorrect, please correct me as I...

Mr. Castillo: Yeah, yeah.

Mr. Bynum: We can't amend this, is that correct?

Mr. Castillo: That's correct, you cannot amend it, and... However, one end of the spectrum would be to accept it, the other end of the spectrum would be to reject it. The middle ground would be to defer and ask your questions so that the salary commission can address the questions that you have.

Mr. Furfaro: And if I may, that was the questioning... I clearly understand that the council has no authority to amend that piece. But the authority should be able to have the responsibility to ask the appropriate questions, especially in what I believe is going to be very difficult economic times coming up on the horizon for us next year, and ask them, through a deferral, to consider any evaluations we might want them...or rationale we might want them to defend.

Mr. Castillo: And especially, you know, this body is the legislative body and does have... I don't know if any of you were involved with the salary commission, but then you know, there may have been some information that the salary commission did not have before them to propose this resolution.

Mr. Furfaro: But I just want to clarify, a deferral didn't mean I'm looking to attend it. A deferral means I'm looking to go in front of the salary commission and probe some questions and also make sure that they had certain assumptions about the financial condition of the county next year. Thank you.

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Council Chair Asing: Councilmember Bynum, are you through? You have further questions?

Mr. Bynum: I think I would... There would be time, right?

Mr. Castillo: Yes.

Mr. Bynum: This anticipates changes effective December 1st.

Mr. Castillo: Yes.

Mr. Bynum: There would be time, so...

Council Chair Asing: Thank you.

Ms. Kawahara: Time for?

Mr. Bynum: To meet with the salary commission and for them to make any potential changes they may choose, right?

Mr. Castillo: There is time.

Mr. Bynum: Thank you.

Council Chair Asing: Any further discussion? Yes, Councilmember Furfaro.

Mr. Furfaro: And another option here would be to receive it, then write them a communication until we can get on their agenda.

Mr. Castillo: Yes, but if you receive it today, it's my understanding that it's approved. So if you defer it, at least it is pending approval. I think that makes a big difference.

Mr. Furfaro: Okay. But if we receive it, we still can ask to go in front of them to make some queries, and they could still change it up to December 1.

Mr. Castillo: That is true. I guess it's just a matter of how it would be received from the salary commission, and I cannot opine on what they might...how they might receive it.

Mr. Furfaro: I just wanted to point that out. If we do receive it, if there are members that do want to receive it, it doesn't preclude us from making an appointment to speak on specific items.

Mr. Castillo: Yes.

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September 23, 2009

Council Chair Asing: Thank you. Any further questions?
Councilmember... We have the county attorney up, you have questions for the county attorney?

Ms. Kawahara: Yes, I think I do.

Council Chair Asing: Go ahead.

Ms. Kawahara: This was at request of the mayor for the different salaries to be frozen. Can I ask what...since it was at the request of the mayor, these are the executive positions, how does it work for the legislative positions with the cost commission?

Mr. Castillo: I'm sorry, I don't understand your question, how does it...

Ms. Kawahara: The request came from the mayor for the executive salaries...

Mr. Castillo: Yes.

Ms. Kawahara: On executive administrative salaries...

Mr. Castillo: Yes.

Ms. Kawahara: Do you know where the legal approval comes from for the salaries in article 2 on the legislative side?

Mr. Castillo: Okay. Let me try to understand this question correctly. You are the legislative side, and this is a resolution before you, and this is where you vote yay or nay for or against the resolution. However if you have any concerns regarding the makeup of the resolution, how it got to this point, and if you would like to ask more questions, then I believe that the deferral would be appropriate for you to ask those questions regarding legality, regarding whether or not next year's budget was taken into account, you know, all the factors that created this resolution. So but you are the legislative body, and this is where if you accepted it, then it becomes...it becomes...it takes effect, and the reason why I...it's my opinion that it would be better to defer is because if it does take effect today, then you would have to reverse...you would be asking the salary commission to reverse what they have suggested.

Ms. Kawahara: Okay, thank you.

Council Chair Asing: Any further questions?

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Mr. Furfaro: I do.

Council Chair Asing: Go ahead.

Mr. Furfaro: But I think... Some more clarity to that question, because I may settle for receiving this today, now that I know I can still talk to them, the salary commission, on a few particular spots. But in answer to Councilwoman Kawahara, this body cannot act on any salary review for the legislative body for the current elected term we're in.

Mr. Castillo: Yes.

Mr. Furfaro: We have no control over that.

Mr. Castillo: Yes.

Council Chair Asing: Any further questions? If not, thank you.

Mr. Castillo: You're welcome.

Council Chair Asing: I'd like to call the meeting back to order and is there further discussion?

The meeting was called back to order and proceeded as follows:

Ms. Kawahara: I would like Councilmember Furfaro to explain that to me again about the current term and the salary.

Mr. Furfaro: I would say at this point I am fine to receive this, because I know from the county attorney now, if I have a specific concern about an individual department or a commission's concern, I can get on their agenda. So I'm fine with receiving this. But your question was about the legislative group.

Ms. Kawahara: Yes.

Mr. Furfaro: It is my understanding that anything we vote on can never be effected during this term for us.

Mr. Kaneshiro: Correct.

Ms. Kawahara: Okay. Thank you.

Council Chair Asing: Thank you. Any further discussion? If not, I'd like to just read a few notes that I have down here, and let me just read it. At the 2006 General Election, the voters of Kaua'i approved the Charter amendment giving the County Salary Commission the responsibility to set salaries of all elected officials

COUNCIL MEETING

- 8 -

September 23, 2009

(the Mayor, Councilmembers, and Prosecuting Attorney) and for appointed officials, unless the Salary Commission's recommendations are rejected by a vote of a two-thirds supermajority of the Council, which is 5 votes. Before this 2006 Charter amendment, the Salary Commission set salaries for councilmembers, but could only recommend salaries for appointed County officials, with the Council having that final say. Since the Salary Commission started its work under the new Charter provisions of 2007, they have dedicated many hours in meetings, reviewing documents, and discussing how to establish a system of salary administration for the County's elected and appointed officials based on a realistic standards in accordance with their duties and responsibilities. Since that time, they have also provided both the Administration and this Council with a number of reports that reflect their hard work in meeting their goal of having a fair and equitable salary system with accountability. I feel it is only right for us to recognize and respect the Salary Commission's past and present work in this area, and accept their recommendations as contained in the Salary Commission resolution which is before us. With that, if there is no further discussion, all those in favor say aye.

The motion to receive C 2009-308 for the record was then put, and unanimously carried.

C 2009-309 Communication (08/28/2009) from Council Chair Bill "Kaipo" Asing, transmitting a resolution to amend Resolution No. 2009-27, relating to the appointment term of Charles Iona to the Police Commission as a partial term: Mr. Bynum moved to receive C 2009-309 for the record, seconded by Mr. Kaneshiro.

Council Chair Asing: Any discussion? Yes, go ahead.

Mr. Furfaro: I believe it's just for the public. This is a housekeeping item regarding his partial term and that he can still be reappointed for two terms.

Council Chair Asing: Yes, and we have the resolution in the back. This is the communication for the resolution, so thank you. Any further discussion? If not, all those in favor say aye.

The motion to receive C 2009-309 for the record was then put, and unanimously carried.

C 2009-310 Communication (08/19/2009) from the Executive on Transportation, requesting Council approval to apply for, receive, indemnify and expend a Federal Transit Administration (FTA) Section 5317 New Freedom grant for capital expenditures for the County Transportation Agency in the amount of \$121,123 which will be used to retrofit the existing fleet of vehicles with retractable wheelchair tie down straps and the installation of illuminated signage, increasing efficiency and visibility of bus routes. Mr. Kawakami moved to approve C 2009-310, seconded by Mr. Chang, and unanimously carried.

| ACCOUNT NUMBER | ACCOUNT DESCRIPTION | ORIGINAL BUDGET | ADJUSTED BUDGET | YTD EXPENDITURE & ENCUMBRANCES | COUNCIL'S REVIEW |
|--------------------|--------------------------------------|-----------------|-----------------|--------------------------------|------------------|
| 001-0201-511.01-01 | REGULAR SALARIES | 1,592,587 | 1,592,587 | 945,436 | 1,453,138 |
| | LEVEL TEXT | | TEXT AMT | | |
| | EX | | 63,879 | | |
| | (5) COUNCIL MEMBERS | | 340,686 | | |
| | EX | | 114,848 | | |
| | E-8 COUNTY CLERK | | 105,660 | | |
| | E-9 DEPUTY COUNTY CLERK | | 80,000 | | |
| | E-38 LEGAL ANALYST | | 60,744 | | |
| | 2701 LEGISLATIVE SERVICES SUPERVISOR | | 55,022 | | |
| | 2707 LEGISLATIVE ANALYST III | | 95,958 | | |
| | 2708 COUNCIL SERVICES ADMINISTRATOR | | 64,920 | | |
| | 2713 RECORDS MANAGEMENT ANALYST | | 51,312 | | |
| | 2703 RECORDS MANAGEMENT ANALYST | | 54,012 | | |
| | 2715 COUNCIL SERVICES ASSISTANT | | 41,064 | | |
| | 2710 SECRETARY | | 60,024 | | |
| | 2714 DEPARTMENTAL STAFF ASSISTANT | | 54,012 | | |
| | 2711 SECRETARIAL ASSISTANT | | 59,376 | | |
| | E-51 LEGISLATIVE ASSISTANT | | 52,776 | | |
| | E-53 LEGISLATIVE ASSISTANT | | 59,376 | | |
| | E-66 LEGISLATIVE ASSISTANT | | 25,668 | | |
| | E-69 CLERK TYPIST | | 35,112 | | |
| | E-72 COUNCIL SERVICES ASSISTANT | | 53,305 | | |
| | E-75 LEGISLATIVE ASSISTANT | | 47,655 | | |
| | E-76 LEGISLATIVE ASSISTANT | | 26,719 | | |
| | E-83 SENIOR CLERK TYPIST | | 148,990 | | |
| | 2 DAYS FURLOUGH A MONTH | | 1,453,138 | | |
| 001-0201-511.01-04 | SALARIES/ADJUSTMENTS | 14,500 | 14,500 | 0 | 14,500 |
| | LEVEL TEXT | | TEXT AMT | | |
| | CR | | 14,500 | | |
| | INCREASE FOR EXEMPT EMPLOYEES | | 14,500 | | |
| 001-0201-511.02-01 | REGULAR OVERTIME | 45,000 | 45,000 | 9,864 | 45,000 |
| 001-0201-511.03-01 | PREMIUM PAY | 3,000 | 3,000 | 2,385 | 3,000 |
| | LEVEL TEXT | | TEXT AMT | | |
| | CR | | 2,500 | | |
| | MEALS | | 500 | | |
| | TEMPORARY ASSIGNMENT | | 3,000 | | |
| 001-0201-511.05-01 | SOCIAL SECURITY CONTRIBUTION | 134,400 | 134,400 | 73,838 | 118,825 |
| 001-0201-511.05-02 | HEALTH FUND CONTRIBUTION | 91,100 | 91,100 | 36,580 | 95,655 |
| 001-0201-511.05-03 | RETIREMENT CONTRIBUTION | 263,400 | 263,400 | 139,435 | 232,990 |
| 001-0201-511.05-04 | WORKERS COMPENSATION TRD | 1 | 1 | 0 | 1 |
| 001-0201-511.05-05 | WORKERS COMPENSATION MED | 5,000 | 5,000 | 0 | 5,000 |
| 001-0201-511.05-06 | UNEMPLOYMENT COMPENSATION | 1 | 5,001 | 4,943 | 1 |

PC1 member

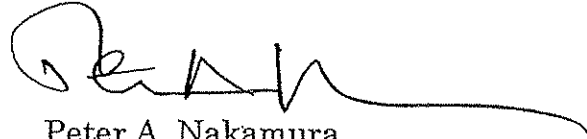
| ACCOUNT NUMBER | ACCOUNT DESCRIPTION | ORIGINAL BUDGET | ADJUSTED BUDGET | YTD EXPENDITURE & ENCUMBRANCES | CONCILIATION'S REVIEW |
|--------------------|--|-----------------|-----------------|--------------------------------|-----------------------|
| 001-0203-511.01-01 | REGULAR SALARIES | 193,165 | 179,734 | 101,118 | 247,593 |
| LEVEL | TEXT | | TEXT AMT | | |
| CR | YE-85 COUNTY AUDITOR (UNCLASSIFIED) | | 114,848 | | |
| | E-73 AUDIT MANAGER (UNCLASSIFIED) | | 98,748 | | |
| | E-74 PROGRAM AUDIT ANALYST V (UNCLASSIFIED) | | 59,376 | | |
| | TEMP INTERNAL AUDITOR "NEW CONTRACT" | | 1 | | |
| | 2 DAY FURLOUGH A MONTH | | 25,380- | | |
| | | | 247,593 | | |
| 001-0203-511.01-04 | SALARIES/ADJUSTMENTS | 0 | 0 | 0 | 5,590 |
| 001-0203-511.02-01 | REGULAR OVERTIME | 1,000 | 4,368 | 2,163 | 5,437 |
| 001-0203-511.03-01 | PREMIUM PAY | 50 | 100 | 100 | 153 |
| 001-0203-511.05-01 | SOCIAL SECURITY CONTRIBU | 15,500 | 19,730 | 7,533 | 19,800 |
| 001-0203-511.05-02 | HEALTH FUND CONTRIBUTION | 28,290 | 31,955 | 2,443 | 29,705 |
| 001-0203-511.05-03 | RETIREMENT CONTRIBUTION | 30,360 | 38,566 | 15,492 | 38,820 |
| 001-0203-511.05-04 | WORKERS COMPENSATION TRD | 1 | 1 | 0 | 1 |
| 001-0203-511.05-05 | WORKERS COMPENSATION MED | 100 | 127 | 0 | 182 |
| 001-0203-511.05-06 | UNEMPLOYMENT COMPENSATION | 1 | 1 | 0 | 1 |
| 001-0203-511.05-09 | MILEAGE | 100 | 198 | 0 | 328 |
| 001-0203-511.05-10 | OTHER EMPLOYEE BENEFITS | 0 | 0 | 0 | 0 |
| 001-0203-511.05-12 | OTHER POST EMPLOY BENEFIT | 0 | 48,750 | 19,624 | 62,110 |
| 001-0203-511.05-13 | OTHER POST EMPLOY BENEFIT | 18,300 | 0 | 0 | 0 |
| 001-0203-511.24-00 | TRAINING | 100 | 2,800 | 1,760 | 2,850 |
| LEVEL | TEXT | | TEXT AMT | | |
| CR | 3 AUDIT AUDIO TRAINING @ 150 | | 450 | | |
| | 3 TRAINING SEMINAR FEES | | 2,400 | | |
| | | | 2,850 | | |
| 001-0203-511.31-00 | DUES AND SUBSCRIPTIONS | 500 | 1,600 | 1,400 | 3,400 |
| LEVEL | TEXT | | TEXT AMT | | |
| CR | ASSN OF GOVT ACCTS/ ASSN LOCAL GOVT AUDITORS | | 800 | | |
| | STATE LEGAL FEES | | 600 | | |
| | ACCTG/AUDIT MANUALS/ WESTLAW/ HRS/GI/HA/PBN | | 2,000 | | |
| | | | 3,400 | | |
| 001-0203-511.32-00 | CONSULTANT SERVICES | 489,620 | 430,497 | 209,000 | 535,000 |
| LEVEL | TEXT | | TEXT AMT | | |
| CR | *COUNTY AUDIT | | 200,000 | | |
| | *COUNTY ARA AUDIT | | 50,000 | | |
| | PERFORMANCE AUDITS: | | 50,000 | | |
| | ENGINEERING CONSULTANTS | | 40,000 | | |
| | SPECIAL COUNSEL | | 10,000 | | |
| | INVESTIGATORS, SUBPOENA & DISCOVERY COSTS | | 120,000 | | |
| | CONTRACT FINANCIAL & FORENSIC AUDITORS | | | | |

CERTIFICATE OF THE COUNTY CLERK

I hereby certify that heretofore attached is a true and correct copy of Bill No. 2356, Draft 1, which was adopted on second and final reading by the Council of the County of Kauai at its meeting held on May 26, 2010, by the following vote:

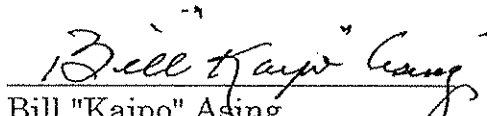
| | |
|--|------------|
| FOR ADOPTION: Bynum, Chang, Furfaro, Kaneshiro, Kawahara, Kawakami, Asing | TOTAL - 7, |
| AGAINST ADOPTION: None | TOTAL - 0, |
| EXCUSED & NOT VOTING: None | TOTAL - 0. |

Lihu'e, Hawai'i
May 27, 2010



Peter A. Nakamura
County Clerk, County of Kaua'i

ATTEST:



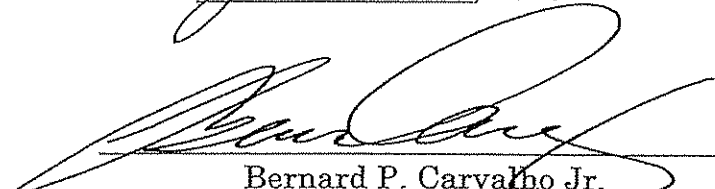
Bill "Kaipo" Asing
Chairman & Presiding Officer

DATE OF TRANSMITTAL TO MAYOR:

May 27, 2010

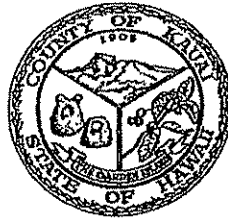
Approved this 10th day of

June, 2010.



Bernard P. Carvalho Jr.
Mayor
County of Kaua'i

COUNTY COUNCIL
Bill "Kaipo" Asing, Chair
Jay Furfaro, Vice Chair
Tim Bynum
Dickie Chang
Daryl W. Kaneshiro
Lani T. Kawahara
Derek S. K. Kawakami



OFFICE OF THE COUNTY CLERK

Peter A. Nakamura, County Clerk

Telephone (808) 241-4188
Fax (808) 241-6349
Email cokcouncil@kauai.gov

Council Services Division
3371A Wilcox Road
Lihu'e, Kaua'i, Hawai'i 96766

April 1, 2010

Salary Commission
County of Kaua'i
4444 Rice Street
Lihu'e, Hawai'i 96766


Dear Salary Commission Members:

I am submitting this testimony regarding the anomaly in the pay scale for certain County of Kaua'i officials. I realize that the Salary Commission diligently researched the facts before deciding to recommend the salaries for the County Clerk, Deputy County Clerk, County Auditor and Prosecuting Attorney. However, as the financial condition of the County has changed, Mayor Bernard Carvalho "froze" the salaries of his department heads and will be requiring other County employees to make financial sacrifices in order to balance the budget.

Currently, the County Clerk, County Auditor and Prosecutor all have salaries greater than the Mayor. As the chief executive officer, it seems reasonable that the Mayor receive the highest pay. Also, given the economic climate and the financial sacrifices that other County employees will be making, it would be appropriate to revise the salaries of these positions to reflect current fiscal realities.

Therefore, I am asking that the Salary Commission consider taking the necessary steps to adjust the salaries of the County Clerk, Deputy County Clerk, County Auditor and Prosecuting Attorney to the levels established in the fiscal year 2009-10. Furthermore, I also request that for the fiscal year 2010-2011, their salaries continue to have parity with other department heads and be consistent with Mayor Carvalho's directive regarding furloughs.¹

Sincerely,



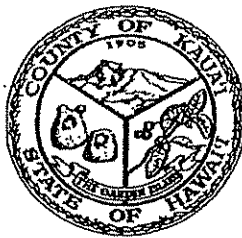
Tim Bynum
Kaua'i County Councilmember

¹ Currently, it is estimated that County employees would be furloughed 2 days per month, which amounts to an approximated 9-10% reduction in salary. Please be advised that the furlough plan will not be finalized until the conclusion of the County's budget session.

| SUBJECT | DISCUSSION | ACTION |
|---|--|--|
| <p>Public Testimony</p> <p>Cont'd from page 2- Public Testimony</p> | <p>Councilmember Bynum thanked the Commission for their service to the public and for the opportunity to come before the Commission. Councilmember Bynum stated that in the past the executive salaries were way under what was reasonable for the county; he thanked the Commission for recognizing it and for making the salaries competitive with the private sector. Councilmember Bynum stated that because the County is now facing a difficult economic period, and the financial condition of the County has changed, Mayor Carvalho request to the Salary Commission that the salary increases for certain department heads be frozen. Mr. Bynum stated that he is particularly concerned about the current salaries of the County Clerk, County Auditor and Prosecuting Attorney, all who have salaries greater than the Mayor. And despite his reluctance to make a unilateral recommendation to do this without an action from the Council, but to do this as an independent member of the Council and as member of the community. He submitted this testimony today which basically asks the Salary Commission to consider taking the necessary steps to adjust the salaries of the County Clerk, Deputy County Clerk, County Auditor and the Prosecuting Attorney to levels established in the fiscal year 2009-10. Furthermore, Councilmember Bynum requested that for the fiscal year 2010-2011, their salaries continue to have parity with other department heads and be consistent with Mayor Carvalho's directive regarding furloughs. Councilmember Bynum also stated that unfortunately in this budget session the Council will be addressing the furlough issue, expressing that he would personally like the County to minimize or avoid the furloughs if possible, and in his own view the County has already taken pretty dramatic steps to reduce the workforce, making it complicated for the Council to determine which positions to fill and which ones not to fill, not to mention how it would feel to the employees whose pay is being cut 10 to 14 percent in terms of take home pay, while the County is still hiring more employees. Councilmember Bynum informed the Commission that the Council Chair has sent a communication to the County Attorney asking for the legal parameters in having the elected officials join in the furloughs, should they occur.</p> <p>Commissioner King- Referring to parity among the department heads and his experience some department heads have more responsibilities and others.</p> <p>Councilmember Bynum stated that some County positions require a certain level of education and licensure, for example the County Prosecutor is required to be a member of the Bar, and the County Engineer needs to be a licensed Engineer.</p> <p>He noted that the County Clerk and the County Auditor are appointed by the County Council, and the County Prosecutor is an elected position. He agrees that if it is the judgment of this</p> | <p>Crowell and unanimously carried. 6:0</p> <p>A copy of Councilmember Bynum testimony was circulated to the Commission.</p> |

DEC 14 2009

COUNTY COUNCIL
BILL "KAIPO" ASING, CHAIR
JAY FURFARO, VICE CHAIR
TIM BYNUM
DICKIE CHANG
DARYL W. KANESHIRO
LANI T. KAWAHARA
DEREK S. K. KAWAKAMI



4396 RICE STREET, ROOM 206
LIHU'E, KAUA'I, HAWAII 96766-1371
E-mail: cokcouncil@kauai.gov

OFFICE OF THE COUNTY CLERK
Council Services Division
Elections Division

PETER A. NAKAMURA, County Clerk

Telephone: (808) 241-6371
Facsimile: (808) 241-6349

December 14, 2009

TO: Malcolm Fernandez
Director of Personnel

FROM: Bill "Kaipo" Asing *B.K.A.*
Chair, Kaua'i County Council

SUBJECT: Performance review of County Clerk

This memo notifies the Department of Personnel Services that Peter A. Nakamura has met or exceeded job requirements for the position of County Clerk. I understand you will transmit the results of his evaluation to the Salary Commission.

C: P. Nakamura