

**SALARY COMMISSION
MINUTES
December 10, 2021
Meeting Site: Online via Blue Jeans**

1. Call to Order/Roll Call

The meeting was called to order by Chair Abbott at 8:34 a.m.

Present:

Clark Abbott, Chair
Dawnalyn Fujiwara, Vice-Chair
Peter Martin
Stanford Lantias
Edwin Misaki
Tambara Garrick
Grant Nakama

Excused:

Scott Parker

Absent:

Andrew Ho

Staff:

Christie Trenholme, Deputy Corporation Counsel
Stacy Takahashi, Administrative Officer
Rochelle Ines, Secretary
Michele Yoshimura, Budget Director

2. Public Testimony

First Deputy Corporation Counsel Richelle Thomson testified on item #5, in support of the Prosecuting Attorney and the First Deputy Prosecuting Attorney

Q&A

Commissioner Martin: What's the rule for advertising when looking for a Deputy?

First Deputy Corporation Counsel Thomson: The Deputy's salaries are all set by ordinance. Any of the Deputy's salaries have to be below that of the First Deputy and is the same for the prosecuting attorney office as well. Whatever you set the first Deputy's salary at, the line Deputies cannot come above that.

Commissioner Martin: What is the First Deputy's salary today?

First Deputy Corporation Counsel Thomson: I don't have the exact figure but it's around \$141,000.

Commissioner Martin: How long did you have this empty position?

First Deputy Corporation Counsel Thomson: They have been advertising for a position that they know will be open early this year and they haven't had any applicants for several months.

Chair Abbott: When you are attempting to hire, are you including all of the benefits in addition to the salary?

First Deputy Corporation Counsel Thomson: Yes, we definitely stress the benefits. I don't want to make any kind of inference that those are inconsequential. It gets more important if you stick around longer. Right now, anybody coming in will not vest until ten years in with retirement and medical.

Chair Abbott: I presume that you are speaking only of the two top salaries which Salary Commission is responsible for because we have no control under the director or the assistant.

First Deputy Corporation Counsel Thomson: I'm speaking of the whole thing because whatever you choose to set, the Corporation Counsel's and Prosecuting Attorney salary at, it all flows from that. We can't bump up the Deputy's salaries over those two positions. You can't bump them up over the First Deputy. Whatever you set the salaries, that directly impacts the Deputy. It's kind of a package deal

Commissioner Nakama: From a recruiting standpoint for the Deputy attorneys, what would be the percentage increase to make you competitive?

First Deputy Corporation Counsel Thomson: A minimum of 25% and that wouldn't even take us to being competitive with the private sector. We are so far below right now, it's a tough market.

Commissioner Nakama: Not so much competitive with private, but at least expanding your potential pool of qualified people

Chair Abbott thanked First Deputy Corporation Counsel Thomson for her testimony.

Chair Abbott closed testimony

3. Approval of the Minutes

Commissioner Lantias made the motion seconded by Commissioner Nakama to approve the minutes of the October 8, 2021 meeting. The motion was unanimously passed.

Minutes of November 12, 2021 deferred to January 2022 meeting

4. Review and action on previously awarded 2% salary increase for the Mayor, Council Chair, and Councilmembers awarded on March 13, 2020 and deferred by the Salary Commission in December 2020.

Commissioners discussed if there should be a salary increase or to defer.

Budget Director Yoshimura: They are currently working on the FY2023 budget. The budget is due to the Council on March 23, 2022. If you are deciding whether or not to give any increases, she will need to know by January 31st, 2022 at the latest in order to incorporate any changes to the proposed budget for FY 2023. If not, then if funds are available after that, it would require a budget amendment or it would have to wait to 2024.

Mayor Victorino spoke about the following:

The County has faced the following challenges

- In 2019, the brush fires burning 26,000 acres.
- In 2020, the COVID pandemic.
- In 2021, the floods impacting the Haiku area in March and the recent flooding in South Maui and Upcountry.

As Chief Executive of Maui County:

- There is a great team of employees who work together each time there is a disaster.
- Only in-person dealings were halted; All other County operations continued uninterrupted.
- Thanked the County employees, members of the public, and other agencies for doing a terrific job.

Regarding the County Budget:

- For each of the three proposed budgets submitted for Council review and approval, each budget was increased by the Council upon passage.
- As a businessman, one has to always maintain an austere budget and be good at your business.
- Modernization of County operations is a top priority.
- Federal, State, and private grant applications for funds are continually applied for.
- Bi-annual and/or multi-lateral contract agreements with the U. S. Government, State of Hawaii, or other county jurisdictions are developed for functions that the County can perform.
- The past two years, we've had the best county bond ratings and secured a 1.74% interest rate on our last bond issuance of over \$84 million dollars. The County of Maui has an excellent fiscal program.

The Mayor's priorities are with the health and safety of the residents and the County as a whole and not for salary. The Mayor states that none of his staff is in their positions for the money.

Mission Statements:

- Provide an effective and responsive government that creates a strong, diversified economy;
- Provide the necessary infrastructure and core services for all residents and visitors; and
- Ensure a safe, livable community for a healthy and sustainable Maui County.

The Mayor recognizes that the pandemic, rising cost of living, and inflation has been difficult for our residents and businesses to continue to work and live here. Looking at the broad picture, we at the County continue to work hard to make living on Maui a better place.

The Mayor recognized the work of the Salary Commission as well as all other Commissions to help make sure that the County is doing the right thing and suggest ways on how to make things better.

Chair Abbott thanked the Mayor for all the valuable information and work he's done on behalf of the County.

Commissioner Nakama asked for clarification on the Budget schedule for 2023.

Budget Director Yoshimura: Budget is due to the Council on March 23 for FY 2023. They would need any information on salary increases by January 31, 2022 to incorporate it into the FY23 Budget. If funds are available after that they would need a budget amendment or they will have to wait until 2024.

Commissioner Lantias asked what the increase was from 2021 to 2022 on the budget.

Budget Director Yoshimura didn't have the information off hand and would have to research it.

Commissioner Lantias' concern is where the money is going to come from 2022 to 2023. He doesn't feel that it is fair to the community to increase salaries to Government when businesses are taking losses.

Mayor Victorino: I agree 100% but if you're talking about Director and Deputy Director, we do not have control over what Bargaining Units say. Directors and Deputy Directors have not had an increase in over three years. I agree. You should talk to the Council about their increase request.

Commissioner Nakama thinks we should not defer it until past the January meeting due to the Budget deadline. For the record, he does not agree to defer the motion until 2023.

Commissioner Lantias thinks we should defer the decision until 2023 for the community (constituents).

Commissioner Lantias made a motion to defer the 2% salary increase for the Mayor, Council Chair, and Councilmembers until 2023 and Commissioner Martin seconded. 6 aye, 1 nay, motion carried.

5. FY 2022 salary reviews for the Mayor, County Council Members, Department Directors, Department Deputy Directors, and the County Auditor.

a. Presentation from Prosecuting Attorney Andrew Martin, Department of the Prosecuting Attorney

Prosecuting Attorney Andrew Martin submitted a presentation which was emailed to the Commissioners.

Prosecuting Attorney Martin briefly discussed the following:

- Mission, Values, and Goals
 - Mission Statement: To pursue justice with integrity, fairness, and compassion
 - Core Values:
 - Integrity
 - Dignity & Respect
 - Compassion & Empathy
 - Accountability
 - Excellence
 - Department Overview
 - Foster public confidence in the Department and the Criminal Justice System through the diligent pursuit of justice by ethically, fairly, and effectively prosecuting cases
 - Ensure that those affected by crime are respected and supported through a victim-centered approach.
 - Develop and implement modern, innovative programs that help keep our community safe.
 - Create a culture of integrity, personal accountability, cooperation, and learning in which all professionals can perform at the highest levels.
 - Strive to attract and retain the very best team of professionals who share the Department's values and reflect the diversity of our community.
 - Department has 83.5 EPs
 - 35 Deputy Prosecuting Attorneys in addition to the Prosecuting Attorney and First Deputy
 - Legal support staff, investigators, and victim/witness counselors (46 positions)
 - Pursuant to the County Charter, the Prosecuting Attorney conducts all prosecutions on behalf of the people for offenses against the laws of the State and ordinances and rules of the County.

- Organization
 - Administration – Prosecuting Attorney, First Deputy, 6 staff
 - Felony Screening – Supervising Deputy, 4 Deputies, 3 staff
 - Circuit Court – Supervising Deputy, 14 Deputies, 10 staff
- Family Court – 5 Deputies, 4 staff
 - District Court – Supervising Deputy, 5 Deputies, 7 staff
 - Appeals & Asset Forfeiture – Supervising Deputy, 3 Deputies, 1 Paralegal
 - Investigative Services – 5 Investigators
 - Victim Witness – Director, 9 Counselors
- Types of Cases Handled
 - Murder and Attempted Murder; Manslaughter; Kidnapping; Robbery; Assault; Sexual Assault; Domestic Violence; Terroristic Threatening; Drug Trafficking & Possession; DUI & Vehicular Homicide; Burglary, Theft, Fraud, and other property-related offenses; Traffic-related offenses; Liquor Adjudication
- Workload in FY 2021
 - Received approximately 1,600 felony cases; charged approximately 800 cases
 - Received approximately 3,000 misdemeanor, petty misdemeanor, or traffic related cases; charged approximately 1,350 cases
 - Received approximately 375 juvenile cases; charged over 200 cases
 - Received almost 600 domestic violence relate cases; charged almost 350 cases
 - COVID has severely impacted the Criminal Justice System: jury trials; case filing delays and backlogs; litigation regarding jails and prisons.
- New Approaches
 - New alternative Courts: Community Outreach Court to help homeless and low-income members impacted by the Criminal Justice System
 - New approach to prosecution: ongoing development of Crime Strategies Unit.
 - Identifying those low-level, non-violent offenders who can benefit from early disposition of their cases, enroll in rehabilitation services quickly, and benefit from alternatives to incarceration.
- Salary Structure of Deputies is Tied to the Salary of the PA and First Deputy

- Salary for Deputy Prosecuting Attorneys are set by County ordinance and cannot exceed the salary for the First Deputy Prosecuting Attorney or First Deputy Corporation Counsel, whichever is lower.
- Salary for each Deputy is determined by number of years elapsed since the Deputy was admitted to practice law in any State
- Allocated amounts range from \$68,018 for brand new attorneys to \$133,573 for attorneys who have been admitted for 9 or more years.
- Salary Considerations
 - Sheer number of cases, importance of the work to ensure community safety, this job is not 9-5.
 - Job demands that we recruit and retain the very best, most talented professionals within the legal community.
 - 31 attorneys with 9+ years of experience.
- Cost of Living
 - Cost of living index is based on a US average of 100% (housing 30%; groceries 15%; transportation 10%; utilities 6%; healthcare 7%; misc. expenses such as clothing, services, entertainment 32%). Taxes are not included.
 - Hawaii has the highest cost of living in the US at 196.3%, which means that the cost of living is 96.3% higher than the US average.
 - One of the main factors in determining the cost of living is housing. Median sales price of a single-family home is currently \$1,000,000.
- Salary Comparison – Hawaii & California (charts)
- Salary Considerations
 - Prosecutors in similar sized Counties, all with lower costs of living and median home prices, making between 19% to 60% more.
 - Salaries for all prosecutors in the State of Hawaii need to be increased.
 - 37 employees in this Department have advanced, professional degrees; are professionally licensed/regulated; many with significant student loan debt.
 - Attract and retain most talented attorneys – includes keeping out local attorneys at home.

The Corporation Counsel proposed \$175,000 for the Corporation Counsel and \$166,250 for the First Deputy. He supports those recommendations and said it's approximately a 17% increase in pay for them. He feels it's still below what the top prosecutor in the State of Hawaii is paid right now and it doesn't quite get to the level of what he sees District Attorneys being paid in other areas of the

country, but its going to enable them to bump their pay up across the board and attract and most importantly retain that top talent.

Commissioner Nakama thanked Prosecuting Attorney Andrew Martin for the presentation.

Chair Abbott thanked Prosecuting Attorney Andrew Martin for the presentation.

b. Presentation from Lance Taguchi, Department of the County Auditor

County Auditor Lance Taguchi submitted a handout which was emailed to the Commissioners.

County Auditor Lance Taguchi briefly discussed the following:

- Position requirements and description
 - Six-year term
 - Required to have relevant certification as a Certified Internal Auditor or a Certified Public Accountant
 - Required to maintain a professional license
 - Five years of experience in auditing or evaluation and analysis
 - Bachelor's Degree
- Benefits Package
- Office of the County Auditor's financial status
- Salary basis of the County Auditor
- 5 employees

The office of the County Auditor by Charter is required to engage a third-party auditor to audit the independent financial report. They are tasked to doing performance and financial audits of various programs throughout the County, which includes both the legislative and the administrative branches. In order to do these things, by Charter, they have full, free, unrestricted access to any employee and officer. They have the authority to examine any record and to administer oaths, subpoena, witnesses, records, and to retain special counsel without Council approval. County Auditor has a very high level of independence from both the administration and the Council.

Regarding the Hawaii County Auditor, that position has been open since 2013 and hasn't been filled yet.

One thing to note, an establishment of this position, the salary was based on the Director of Finance's salary. The primary reason for this was to enhance the level of independence by tying this position's salary to the Director of Finance. They did not want the County Auditor to be able to have an incentive to work as a Finance Director due to the nature of the position.

Chair Abbott thanked County Auditor Taguchi for the presentation.

Q&A

Commissioner Nakama: For the positions in the audit department, that are y appointed by you, are they required to have a CPA license as well?

County Auditor Taguchi: Short answer is no. The audit analysts in my office are not required to. I strongly recommend that they get their professional licenses because it brings a higher level of credibility to the office. One of the major things to consider is that the Auditor's office often gets criticized by other department officials. He tries to protect his employees.

c. Presentation from Deputy Director of Council Services David Raatz on behalf of Council Chair Alice Lee

Council Chair Lee submitted a handout which was emailed to the Commissioners.

Deputy Director of Council Services David Raatz said Chair Lee had a prior commitment this morning and asked him to attend on her behalf due standing on her letter to the Commission dated December 1st. It's a four-page letter that covers the following:

- Legislative responsibilities of the Council Chair and Council Members
- Legislative workload
- Constituent Services

Chair Abbott thanked Deputy Director Raatz.

d. Presentation from Deputy Managing Director Josiah Nishita, Department of Agriculture

Deputy Managing Director Nishita submitted a presentation which was emailed to the Commissioners.

Deputy Managing Director Nishita discussed the following:

Timeline:

- Established in the Charters in the November 2020 Elections
- Residents voted in favor of establishing this new Department
- The Department will become essentially operational per the Charter in July 2022.
 - The Administration has held various working group meetings with a variety of stakeholders across the county to come up with a variety of goals, duties and responsibilities for this department.
 - Gather public and stakeholder feedback/budgetary recommendations in Q1 / Q2 2022
 - Share findings and recommendations in Q2 2022
 - Department leadership identified in Q2 2022

Mission Statement

The County of Maui's Department of Agriculture will support the development and continued management of a sustainable regional agricultural system for Maui County, to promote resident and ecosystem health and well-being and create a thriving circular agro-economic system that can be a model for the rest of the world.

It was really important throughout the working group meetings that the Department of Agriculture not be a regulatory agency, but really one that will help assist our farmers in the pursuance of federal funding and other opportunities. It was also important from the variety of working group meetings that the Department of Agriculture really represents the full spectrum of agriculture, including value added products like ranching, traditionally grown crops, aquaculture and from large landowners from Mahi Pono to small backyard farmers as well.

Powers, Duties and Functions

- Develop a sustainable regional agricultural system for Maui County
 - Collecting and collating market data, usable land versus crop needs, system mapping and collaboration with State Dept. of Agriculture to improve the data collections and database management for grants research, and studies
 - Invasive species, pests and threats (axis deer), incentivizing and utilizing our important lands throughout Maui County.
- Build the economic resiliency of the County's communities by increasing opportunities in the agricultural sector
 - Working groups identified workforce development and resource development and deployment, which includes increasing occupational skills training and education opportunities, policy and regulation assistance, and, of course, local management of some of our invasive ungulates.
- Boost resident health and food security through ensuring access to locally grown agricultural products
 - Includes marketing and distribution, storage processing and distribution, supply chain capabilities, infrastructure and advocacy for the various infrastructure policy water needs for our local farmers.
- Promote healthy ecosystems through natural-resource regeneration and protection, including through advising other agencies and the Council on all programs and projects that affect the agricultural section.
 - This includes partnering with UH Maui College, to develop and train on new technologies to cover soil health practices, cover crops, compost biological controls of invasive species, and collaborating with our State, Federal, local organizations, and others for integrated team-based learning opportunities.
- Develop and implement programs to diversity and expand sustainable forms of agriculture through leverage, resources, and business support.

- Helping to increase access to support infrastructure, which is water, labor, housing equipment, commercial kitchens, processing, distribution centers, leverage resources and all levels of funding, contract and procurement assistance, and grant programs and acquisition.
- Report to the Mayor and Council annually on the County's overall performance in meeting agriculture objectives and any barriers that could be addressed by ordinance
- Perform other duties as assigned by the Mayor or Managing Director

Initial Organizational Recommendations

- Staff: Director, Deputy Director, Secretary, Grant Writer(s) with minimum qualifications (subject to change)

Chair Abbott thanked Deputy Managing Director Nishita for the presentation.

e. Presentation from Director Lori Tshako, Department of Housing & Human Concerns

Director Tshako submitted a PowerPoint presentation which was emailed to the Commissioners.

Director Tshako discussed the following:

- Mission Statement
- DHHC Programs
 - Administration, Housing, Human Concerns, and the Animal Management Program with Maui Humane Society
- Departmental Budget and Personnel for FY22 by Program
- Administration Program
 - Director, Deputy Director and Secretary
 - Provides direction and oversight to 8 divisions, as well as the Animal Management Program
 - Ensures efficient operations and high performance by providing training and leadership opportunities within the department.
 - Ensures the most relevant and highest quality services are provided to the citizens of Maui County in areas of housing and human concerns.
- Housing Program Overview
 - Housing Administration provides oversight
 - Workforce Housing

- Fair Housing
- Affordable Housing Fund (revolving fund)
- Federal Funding (grant fund)
 - HOME Investment Partnerships Program
 - Housing Trust Fund (HTF)
 - Housing Choice Voucher Program (Section 8)
- County Projects – Huliau Apartments (old Maui Community College dormitories) *opened in April 2021.*
 - \$5M Dwelling Unite Revolving Fund (DURF) Grant through HHFDC
 - Renovation of existing structures – 12 two-bedroom units, 1 community building
 - Planning for increased density
 - \$864000 Ohana Zone Funding through DHS
 - Up to 2 years operations and support services after move-in
- Housing Choice Voucher Program (Section 8)
 - Serve more than 1,400 families, by virtue of their income can qualify for rental subsidies
- Emergency Housing Vouchers
 - New program established by HUD during the pandemic to house homeless, recently homeless, those fleeing from domestic violence. HUD has allocated 76 vouchers to Maui County.
- Homeless Division
 - Statistics
 - Serviced an increasing number of programs over the last few years. In the last year, 530 people move from homelessness into permanent housing. The rate of successful maintenance of housing is 78%.
- Homeless Program – Pandemic Response
 - The Mayor’s initiative was to help more people who are living in unsheltered conditions to be sheltered and move on to permanent homes.
 - Wahi Ho’omalū O Wailuku
 - 23 pallet shelters located at Waiale Park in May 2020, 8x6 units with A/C and electrical outlets
 - Utilizes park bathroom
 - KHAKO provided a mobile hygiene unit, 3 shower stalls, washer/dryer
 - 24-hour security
 - Dinner provided
 - DHHC managed property until October 30, 2020

- FLC took over in November 2020, provides case management, focused on moving residents into permanent housing
 - They were able to take many people off the streets into the palette homes and with the help of our homeless service partners, move them into permanent housing. The rate of permanent housing for the project is about 80%, which was the highest rate of permanent housing success across the State of Hawaii.

- Human Concerns Program
 - There are 7 divisions which are funded through the Human Concerns Program. Funding allocated to this program equates to approximately 41% of the Departments budget.
 - The Divisions are as follows: Early Childhood, Grants Management, Immigrant Services, Senior Services aka Kaunoa, Office on Aging, Volunteer Center, and Homeless Program.
 - Animal Management Program: Administered by the Maui Humane Society. Maui Humane Society & Maui County has been in partnership with the county since 1987.
 - Programs & Services Provided: Open-Admission animal shelter, humane enforcement, spay-neuter assistance, pet adoption, reclaim & transfer, humane education & outreach, pet disaster preparedness
 - The Humane Society helped set up kennels, brought food and also provided health services for the animals at the palette home shelter.

- Maui County Early Childhood Resource Center
 - Anything that will impact Maui County families (prenatal to kindergarten entry) is within the scope of the Early Child Resource Center. It's not just about preschool. Being a division of partnerships at all levels and in all areas are essential.

- Grants Management Division
 - Develop and implement plans to meet the Human Concerns program objectives with the assistance of the community and direct service providers.
 - To monitor and evaluate County funded programs and services provided by private non-profit organizations
 - To distribute funds for programs and services that support and enhance the human and social service needs of Maui County.
 - Funds 101 grants for a total of approximately \$16.6M in Community Assistance.
 - Refer to PowerPoint from DHHC

- Immigrant Services Division
 - To assist new residents of Maui County to become fully integrated productive members of our community.
 - Refer to PowerPoint from DHHC
- Kaunoha Senior Services
 - Produces a wide spectrum of programs and services for adults ages 55 and over. They provide a critical foundation for ensuring that the aging population of Maui County remains healthy, has opportunities to contribute to communities, and live independently for as long as possible.
 - Leisure/Wellness Program; Retired and Senior Volunteer Program (RSVP); Congregate Nutrition Program; Home Delivered Meals (Meals on Wheels) Program; Assisted Transportation Program
- Maui County Office on Aging (MCOA) and Aging Disability Resource Center (ADRC)
 - Maui County Office on Aging (MCOA)
 - Serves as the lead advocate, facilitator, planner, policy developer, and evaluator relative to all aging, disability, and family caregiving issues in the County of Maui
 - Informs the public regarding programs, resources and services available.
 - Allocates Federal, State and County funding to service providers so all home and community needs of Maui County seniors and individuals with disabilities are met.
 - Serves as the designated operating entity of the Aging and Disability Resource Center
- County of Maui Volunteer Center
 - One resource and catalyst on Maui that leads, connects, and mobilizes volunteers and volunteer agencies to contribute to a better life on Maui.
 - Volunteer Center is also known as “HandsOn Maui”, an affiliate of the HandsOn Network and the Points of Light Foundation
- Animal Management Program
 - Mission Statement (Maui Humane Society) – to protect and save the lives of Maui’s animals; accepting all in need, educating the community, and inspiring respect and compassion towards all animals.
 - In partnership since 1987 (31 years)

- Program & Services: Only open-admission animal shelter; Humane Enforcement; Spay-Neuter Assistance; Pet Adoption, Reclaim & Transfer; Humane Education and Outreach; Pet Disaster Preparedness; Dog Licensing; End of Life Services; Pet Cremation; Airport Direct Release; and Agility Classes

Chair Abbott thanked Director Tsuhako for the presentation. Commissioner Martin thanked Director Tsuhako for her hard work.

6. Agenda Setting for Next Meeting

Continuing the Department presentations with Fire and Public Safety, Police and Liquor Department.

Commissioner Fujiwara: Asked for clarification - although it would be convenient for us to provide an idea of if they were going to move forward with an increase in salaries, we are not required or tied to making a decision prior to that?

Deputy Corporation Counsel Trenholme: The Salary Commission is not required to make a decision by January 31st, but you can take the Budget Director's request under advisement in your decision-making process.

7. Announcements

The next meeting is scheduled for Friday, January 14, 2022 at 8:30am, online, via BlueJeans.

8. Adjournment

Meeting adjourned at 10:23 a.m.