

**SALARY COMMISSION
MINUTES
February 11, 2022
Meeting Site: Online via Blue Jeans**

1. Call to Order/Roll Call

The meeting was called to order by Chair Abbott at 8:32 a.m.

Present:

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

Excused:

Tambara Garrick

Absent:

Andy Ho

Staff:

Christie Trenholme, Deputy Corporation Counsel
Graham Resell, Corporation Counsel
Stacy Takahashi, Administrative Officer
Rochelle Ines, Secretary
LeeAnn Nomura Matsui, Secretary

2. Public Testimony *(verbatim)*

Frank DeRego: There's a little confusion here before I start. I think I'm supposed to be a resource as well. I'm supposed to be making a presentation. That's the clarification I asked. It says on the agenda "Presentation for the following Department and Department Reviews" and has Police Commission there. That's where I come up on #5. For the Police Commission because I'm Chair for the Police Commission. I just needed clarification on that. There's no need for me to do to testify at this point. I'll save my remarks for that. Mahalo.

Chair Abbott thanked Chair Lee and said he appreciates her input and information.

Jamie Becraft: Good morning Chair. I apologize. I'm in the same situation, I'm the Vice-Chair for Liquor. I'm here as a resource. I will defer and wait for that. I apologize for the confusion.

Kahala Johnson: Aloha my name is Kahala Johnson from Waiehu, Maui. I am a member of the Multicultural Advisory Council to the Maui Police Department. I'm testifying on agenda item #5 in opposition to the Police Commission's recommendation to increase the salary of the Chief of Police. To begin, I am not interested today to stating facts that the current COP himself has already recognized - that Hawaii has a high cost of living, that the median cost of a house is over \$1,000,000, or wow, is this what Hawaiians have had to live with for like 200 years since the US took over the country. I'm also not here to argue who should get paid more, police officers, police chiefs, or County Mayors that sanctioned homophobic Chick-fil-A franchises because apparently Jollibee's is not enough. Come on Mike. I'm also not going to debate which public servant deserves the highest salary because from the perspective of unhoused Hawaiians that are constantly threatened with removal from Mayor Victorino and his police chiefs, a debate of which public servant is most worthy of the highest six-figure salary actually represents the failure of this administration to serve the most harmed. What I will talk about today is that the 29% salary increase recommendation comes despite the new COP's providing less than 60 days of work from performance evaluation. I believe the last time with such a drastic raise and compensation was proposed in 2004, when COP Thomas Phillips was granted a 24% pay raise after 6 years of conduct assessment. And here, I just wanted to score the facts that the sharp increases to the COP's salary were proposed whenever white men held this position. Maybe it's a coincidence, maybe it's an internalized white savior's complex? Who knows? To end my testimony in opposition to the Police Commission's recommendation, you know, as one of the LGBTQ members of the MAC - Multicultural Advisory Committee, this desire to award man for bare minimum performance is use a phrase "selling ourselves short" an analogy would be like if I entered a drag race competition and the category is butch clean abolition and 60 seconds into my vogue routine before I finish my first death drop the judges just handed me first place. That's not how it works in the drag community, that's not how it should work in the public domain. And to quote queer millennium icon Miss Britney Spears, you want a hot body, you want a Bugatti, you want a Maserati, you better work.

Joe Kent: Good morning Commissioners, my name is Joe Kent and I am the Vice President of the Grassroot Institute of Hawaii. Today I am testifying about item 5, specifically I would like to talk about the salary reviews for elected officials and directors. Um, so, the question is, does paying elected officials more achieve better government? And research is mixed on the question. Um, so I did a small lit review of the research on this. Some theoretical research shows that paying elected officials more could actually result in more effective, highly educated, politicians, but much of this research is theoretical. The majority of the empirical research shows the exact opposite that paying politicians, elected officials more, actually results in elected officials who are less educated and less productive and less effective at creating a better government. So, for example, a 2014 study, titled "Do Higher Salaries Lead to Higher Performance?" Evidence from state politicians they concluded "our result lends caution to the claims that increasing politician's salary would significantly increase the quality of US state government." And many other studies show this as well. I've sent that to you this morning. I don't know if you received it yet. But

anyways, I've sent you those studies. Hawaii elected officials are paid much more than elected officials across the nation, even when adjusting for cost of living. And I know we have a high cost of living here um, however, there's one instance we are paying elected officials more may actually result in better outcomes. And that's when you pay them for performance. For example, if elected official pay were tied to key metrics, did you produce enough housing for people? Did you lower the cost of living? Did the County achieve the goals it set out to achieve? If elected officials were paid based on that, then paying elected officials more might align the incentives with the outcome. But so far, no municipality has tried this. In closing, remember that some places with very effective governments, pay their officials very little. For example, the town of Sandy Springs, Georgia was ranked as one of the best places to live in the United States, because of its economy, low unfunded liabilities, low debt, low taxation, cost of living, etc. its Council is paid only \$18,000 per year and it's Mayor is half of what the Maui's Mayor is paid, even when adjusted for the cost of living. Um, now, one more item there's a discussion of the Chief of Police is asking for a dramatic increase in their cost of living or the Commission is, and that's calculated by adjusting for cost of living, I would ask the Commission how they adjusted the cost of living. In my experience as a researcher, there are many different percentages for cost of living and you can skew the numbers depending on which cost of living adjustment you use. So, um, that's why I often use the Bureau of Economic Analyses adjuster, which is a standard adjuster that most economists use.

Patrick Borge: Good morning Mr. Chair, my name is Pat Borge and I am just a local guy, born and raised on Maui and I'd like to testify on item 5. I have several relatives in the Maui Police Dept. and the police force and I have a daughter that's a police officer in the mainland. And what I don't justify is the way they hired our Chief. First of all, Mr. DeRego says that this gentleman that he hired for the Chief of Police did his homework. Well if he did his homework and he was very impressed with the way the gentleman did his homework but he knew that the cost of living in Hawaii is very high, right? So here he is, not even two months on his job and he wants a raise of 30% or 28, 29, whatever. What about the rank and file that are working today? They don't even have a contract. And you Salary Commission, you guys gotta remember that the money that you give out is taxpayers money. Our hard-working taxpayers money it goes to this gentleman and if he's not doing his job, and if the gentleman who's our chief now don't like it, he can go back to Vegas. You know? I mean there were four local guys on that Commission that could've been our Police Chief who understood the culture. You gotta understand the culture just like the University of Hawaii, Cultural University of Hawaii and how can we trust government when you get our representatives Senator English, corruption. So what's going on here? You know what I mean? Now this guy comes and I'd like to have an investigation on how this gentleman was hired. You know? Because you guys let go four local boys that started from the bottom. To work their way up, through the community, and you guys when shine um. So what that sends a message to the locals, to the rank and file now? Eh brah you going out and be one patrolman, no sense you move up. Cause you not going get nowhere. We going bring in guys from Vegas. So just remember that when you guys give out money, that's not your money. That's taxpayers money. Thank you very much for your time today.

Deputy Corporation Counsel Trenholme made a point of clarification if no one has questions for Testifier Borge, if any Commissioners have any clarifying questions for the previous testifiers, Mr. Joe Kent, they can go ahead and ask questions now if he's still available.

Commissioner Parker: Was curious that he had referenced a study particularly calling out elected officials and I just wanted clarification if the study talked about appointed officials. Because the Salary Commission doesn't only address elected officials, the Salary Commission addresses the salaries of appointed officials, i.e., Department Directors, Deputy Directors, and so I just wanted clarification not having seen the study, whether that study talked about appointed officials which are not necessary elected officials, which is also who the Salary Commission has purview over.

Joe Kent: The studies all talked about elected officials. There are no studies that to my knowledge that talk about appointed officials.

Leon Bolosan: Good morning Mr. Chair, members of the Salary Commission. I am Leon Bolosan, Chair of the Liquor Commission. I am humbled to be a part of this important meeting. I would like to share with you about the Department of Liquor Control and our Liquor Commission. Department of Liquor Commission is one of the two autonomous department. Which the Liquor Department has their revenue come from sales of liquor for the County of Maui, not tax money. Recently we had a performance evaluation for the period of November 1, 2020 to the end of December 2021. Out of the six criteria, Director Layne Silva did score very high out of the six criteria. He received satisfactory out of the 2 items for the highest marks which is exceeds. Despite the pandemic, crisis emergency rules changes, Director Layne Silva has performed his job to the highest level. For Deputy Director Jarrett Kaho'ohanohano, who is very creative, is able to issue an average of 25 certification liquor cards a week which means 100 per month and now liquor test is now available online. This past Wednesday, February 9, 2022, a couple of days ago, nine members of Liquor Commission all agree to come before you humbly asking for your kind consideration for a minimal 4% pay raise annually to hedge inflation until we meet again. Mr. Chair, members of the Salary Commission, I do thank you for this opportunity. If it's ok with you Mr. Chair, our Vice-Chair, Jaime Becraft, who earlier was called upon, if he could have extra time to add on some of this information that I just gave out. Mr. Chair and members of the Salary Commission I do thank you on behalf of the Liquor Commission. Thank you so much for this opportunity.

Chair Abbott: Thank you Mr. Bolosan. Yes, we have the Liquor Commission scheduled to present. The articles you want may be presented then. We appreciate your testimony.

Richelle Thomson: Thank you Chair Abbott and the members of the Salary Commission. I am testifying on item 5, the Fiscal 2022 Salary Reviews for the Directors and Deputy Directors, including the Fire Chief, Chief of Police, Liquor

Director, and the other Commission influenced regulated department. First, thank you for all of your service to the County and its community. Its important work that you do and has significant effects within the County government and it also has a ripple effect into the County economy. I think the benchmarks for the salaries for the Directors and Deputies of the departments needs to take into account the real-world economic realities of living Hawaii and in Maui County. No one needs to tell you about the drain of our young people that leave Maui and Hawaii to go to the mainland. Sometimes they don't return because the salaries here are depressed and their dollar doesn't go far enough to buy a modest home and to raise a family. This is evident in both the private sector and in the public sector and the Directors and Deputies are no different. This year, as we told you, our department and many other departments provided you with verified data that shows that the salaries allocated to the Director and Deputy positions lag to the point that they are far below salaries for similar positions both within the state and in other locations on the mainland the similar cost of living and population in size. What I hope is that these are the benchmarks that you apply to your decision making. It's also very important to remember that the salaries are about the position and not the individual currently occupying the position. Most of the Directors and Deputies work far in excess of the 40-hour work weeks. We regularly work nights and weekends. We realize this is part of the job but it also should be recognized that the Directors often make less, certainly less per hour than the employees we supervise. We also make far less than those in the public sector to the point that it's difficult to attract new employees to our departments. We told you that we are having difficulties attracting attorneys to our department and that still remains the case. And in-fact we are now even facing the loss of two more experienced attorneys. Attorneys from the private sector can make very, very much more, more than \$100,000 or higher than that in the private sector. Our department isn't alone in that. You know I think I want to address something else - there's a perception that its unseemly and I know asked for what is fair and this is an outdated mentality. The result of not asking directly for what is fair in today's economy results in continued loss in top quality workers and it also strains the department. Using our department as an example, it strains our department because the other deputies have to pick up the work. We are simply not able to fill the positions because the salaries are too low. And the salaries for the workers are based on the salaries of the Director and Deputy. The reason the Salary Commission is tasked with setting the salaries so this is free from politics and independent the make-up of this group, your group, means that you have the background to receive all of this data and the departmental request and make the decisions based on the industry standard for these types of positions. We're asking that you please consider the data that we and the other Directors have provided to you and the data that has been provided to you by the Police Commission, Liquor Commission and other agencies. Please consider each Director's position and the context of the cost of living here and the comparison of salaries of similar positions both here in Hawaii, within Government and also in the private sector. And compare that to the mainland jurisdictions with similar cost of living and population size. I think that that will lead you to a decision on salaries that is fair, supported by data, and that you can feel comfortable with it at the end of the day. Thank you again and

I appreciate the opportunity to testify and I appreciate all of your hard work and service to our community.

Councilmember Yuki Lei Sugimura: Good morning everybody. My name is Yuki Lei Sugimura. I'm speaking behalf of the community, the people I represent. I would like to also speak on agenda item #5 and in general, in my position, with the County of Maui, we do interact with all the departments so I'm listening to your Commission meeting, recognizing that you touch upon every single aspect of the services that we provide, for the people, for a safe and healthy community. The particular item that brought me here is to speak about the Chief of Police's request for a higher salary and a concern that I have been hearing from the community as I've been receiving text messages, from officers, I spoke to the union, and citizens who are just sending me random emails and are expressing their concern. I just want you to know that your Commission is widespread and being touched upon on by many people. I would like to ask that a review of a staff person, not only the Chief of Police, but every position that holds a place, well every - the Chief of Police or all the Directors and Deputies to get reviewed before getting a performance evaluation as well as a salary increase, I think that's kind of tied together which has not happened. (Unintelligible) and I wish that at a point, you get that to the Police Commission so that when you do make a decision, you can stand by it, and know that your decision is firm. I did get a request from the retirees who said kind of interesting, if the Police Commission wanted to pay a person \$205,000, then maybe they should have posted that when they were looking for that position. Because then you would've gotten an array of interested - maybe existing staff or from outsiders - but at least to know what you're really asking for. There seems to be some disconnect and unfortunately, it's impacting the rank and file as you know there are some retirees who are leaving within the organization and I think that it's getting confused with this pay increase and then what's happening internally in the operations of the department. They are not tied together but it's looking it's becoming a gray cloud over the department which is unfortunate where you have police officers like 30-year veteran Lt. Hankins, whom I worked with very closely on the impaired driving and to save lives program and he's retiring. So there's some things going on in that department that needs to be looked at in many levels. But for your job today as a Commission, I hope you do look at this, all of the requests, look at what the performance reviews are and I'm glad to hear from Leon Bolosan from the Liquor Department (Commission) and I agree that the work done by them has - I like seeing what is coming out of the Liquor Commission and I look forward to working with the new Police Chief because he's definitely not afraid to speak up. But let us please go through the process so you can embrace the community who needs his guidance, his wisdom and so the department can stand together as one solid voice to protect our citizens. Thank you very much for allowing me to speak.

Moana Lutey: Good morning Chair Abbott and Commission Members. Thank you for your service to our community and for taking all the time that's required to do the jobs that you do and establishing the salaries for all of the Directors. Based on some of the comments I've seen, I'm not sure if everyone fully understands as to how all of this works. But every two years, Directors are asked to present to this

commission and provide you with information and input on what it is that we do and why our salaries should be set at a certain amount. Not necessarily something that any of us take lightly but I think it's important for us to convey to this body what seems fair and equitable. It's unfortunate that it seems that some people know that with various Commissions that have come out to this body and suggested that salaries be a certain amount that it seems personal because it's really not that, it's really based on what the position is and being fair and equitable to that position. And so, this year, before we presented, you saw my First Deputy Richelle Thomson testify earlier, what we did was research what it looks like across the nation for people in similarly sized communities that do the same type of work that we do and coming up with a number that we thought would be fair for us. Yet sometimes that feels like a really big jump but when you're looking at the position and the stressors and the education, and supervising duties that we all have, and the commitment that we all put into this community to make it better, that seems what's fair. So, I would recommend to this body to really take a look back at what you've been provided - there's been a lot of research everyone has put in and providing you input on this. And as I discussed last when we presented, and as you heard from Richelle talk about this morning, one of the issues with us hiring is our department competes with the private sector. And we are not a training ground because of the type of information and advising that we do as legal counsel to the entire County - Boards, Commissions, the Council, Mayor and so forth and in the last six months or seven months now, we have been actively trying to recruit for a Deputy position. I have received one application last week in all that time so some of that is obviously cost of living here, and if you can't afford to live here and you have to have some experience under your belt, you'll have to go private rather than coming in to Government service. And that's how we came up with the amount for you, I am certain that the other Commissions and Directors that have presented to you have done with equal research and to provide you information on their positions and requirements and so forth. I just really ask you to rely on that information in making these decisions. Thank you.

Jamie Becraft: Good morning and thank you Mr. Chair and the rest of the members. I too would like to thank you for your service, I'm on a board and I know that it takes a lot of time and effort and you don't get thanked much and I thank you. I'd like to clarify a few things. One, I'm a retired police officer and I'm testifying on my own and I'll later testify for Liquor. But this is my personal testimony. I want to put things in perspective as far as people asking for pay raises throughout our County for our Directors. To me our Directors are severely underpaid. I'll give you an example of myself. I was a Sergeant in the Maui Police Department and eight years ago I made \$172,000. So, eight years ago I made more than the Chief of Police. Eight years ago, I made more than Corporation Counsel. I want you to know my education level. I'm a graduate of Ka'u High School on the Big Island. I know that Corporation Counsel has at least seven years of college post graduate degrees. Things that come with expenses that I never did. And being a regular police officer with a high school diploma, I made way more. My understanding now is for the police position, most patrolmen are making over \$200,000 a year. Some people in patrol are making up to \$300,000 a year. For Corporation Counsel I can speak for, I have direct knowledge,

she works six to seven days a week. And she works ten-hour days. She doesn't come home till 6:30, 7:00 every night. Oh, let me further clarify, I am her fiancé. It has always baffled me though, since we've been together because I've always made more money than her, even retired. I make more money than her. So, it's always odd to me that this hasn't been offset. And that also goes for the Chief of Police. This isn't about totally that how long has he been in this position. It's THE position. As Yuki Lei had mentioned, you know maybe, we would've gotten more applicants if we had already been at \$200,000. Through my time as a police officer, there were Assistant Chiefs of Police who did not put in for Deputy and or Chief because they would've lost money. They would've taken a pay cut. They make more money as an Assistant Chief of Police than the Chief does. This is something that needs to be addressed for all of our Directors. Again, when you want to talk about just education level, I don't even know what it costs today to get a seven-year post graduate degree and how long it takes to pay that off but they'd be better off being a patrolman in Wailuku patrol with a high school diploma cause they'd make more money to pay it off than what they're doing. So, I think that goes across the board that all of our Directors needs to be bolstered up and that's pretty much all I wanted to say to put it in perspective of what they're really making in comparison to what I make. Thank you for your time. Does anyone have any questions?

Commissioner Martin: I really am learning a lot and appreciate you folks coming out and sharing your information. I know a lot of police officers like you all do. I'm curious about the numbers - I think when you're talking making \$200,000 possibly \$300,000 - that includes quite a bit of overtime. Am I correct on that?

Jaime Becraft: You are correct.

Commissioner Martin: I don't know what the max police officer would make before he gets in to administration or what as a Deputy. I don't think it's crazy high without the overtime. It was \$100,000-120,000 or something.

Jaime Becraft: For further clarification, when I speak of overtime, I'm talking about the patrol. So, I was just a Sargent, I wasn't high ranking at all. But I made it because of overtime as you're saying. But when I speak of your Assistant Chiefs of Police, they don't get any, and if they do it's very minimal, like a call out on a tragic situation or if we had a bad hurricane, I'm not sure if they did get any overtime then. But I do know that I had a good friend who was an Assistant Chief and he didn't get any overtime and the Assistant Chiefs end up eventually always making more than the Chief of Police. But on that overtime thought, if I just may, I'll make it short, if you were to ask and I would ask the Chief and Corporation Counsel how many hours they work a week, they don't get paid overtime. I can tell you that Ms. Lutey works six days a week minimum and normally seven. And she doesn't get paid for that time. And so does her Deputy. They go in weekends all the time. I go in and take them food or I'll go visit or whatever, and bring something to their office, and now they're working a lot from home, but if they haven't clarified that, they're not getting paid for their time. They're not working 40-hour weeks. They're working 60-70 hour weeks.

Commissioner Martin: Thank you for the clarification.

Rick Martinez: My name is Rick Martinez. I'm a retired Police Lieutenant from the Maui Police Department. I was there for 33 years so I believe I have a little bit of knowledge of what goes on there. My first point is I'm opposed to the salary raise for the current Chief for several reasons. First of all, he took the position knowing what the pay rate was. Several ex-Chiefs, several great ex-Chiefs - Tivoli Faaumu, Gary Yabuta, Tom Phillips, and Howard Tagomori, they all managed with the salaries that they were offered. They all were able to survive in our community and if Mr. Pelletier did do his due diligence, he should've known what the cost of living was in Hawaii and how much it would cost. He's also, it's my understanding, he's taking a pension from the Las Vegas Police Department which would put him at a... *(no sound)* as far as economically. I also think that... he quoted that it was problematic for people under him to be making more than him. The raise that he requested was \$195,000 from what I understand. Now that would put him above the Mayor if I'm not mistaken, so wouldn't that be somewhat hypocritical? I mean if it was problematic for people under him making more than him then why wouldn't it be problematic for him to be making more than the Mayor? Another issue is he talked about how Assistant Chiefs making in excess of him again, of what I was speaking of earlier, those Assistant Chiefs have all left. And those individuals worked hard. They gave 30 years to the community. They gave 30 years at least, minimum of their lives to serve Maui community. They were involved with the bargaining agreement, they got steps and moved up, they made what they were entitled to and they earned their positions. They gave 30 plus years to the Maui Police Department and this community. Mr. Pelletier only has given what, two months at the most. I believe its two months and he already wants a raise. So, this man is drawing a pension, getting paid, for his service in Las Vegas, not in Maui. He wants to make more than everybody else because he was hired for the position. Again, if he did his due diligence, he should've known what it's gonna cost, he should've known what he's getting paid. Put in some mistreatment I believe, in my opinion, and its just my opinion I cannot speak for anybody else. But mistreatment has gone on there. For example, why are the upper echelon, why are they leaving? Why has there been a mass exodus of police officers? If Mr. Pelletier knew that the problem was that we were short in the first place, why didn't he take the time to pay these people? And keep them aboard until he figure out what the job entailed, what you needed. A senior police captain was immediately reassigned to Molokai. That captain had already done his tour of Molokai. He provided the service that he was required to provide as a police captain. He did his job. Chief Pelletier came in and immediately reassigned him to go back to Molokai. And to me, in my opinion, is a form of punishment for whatever reason, I have no reason why, and its to my understanding no explanation was given. There was no um, "you're the best man for the position" There's another concern that I have. He was quoted in the paper about additional assignments, some of those being like the coroner of the Maui Police Department, of the County, some of those positions are required, are signature positions. He shouldn't do this. As a police lieutenant, I had numerous things I had to do. I never asked for a raise. We went with what we were given. And I feel that the new Chief

has shown his true colors. Thank you again.

Kaena Brown: Aloha and good morning. Thank you for the time. I'm opposing the pay raise, simply for the fact that with those monies could be used better elsewhere. Such as recruitment, incentives, and retention for our officers and that's pretty much all I have to say. Everyone is covering everything else and just really look into where this money should properly go to really help the department.

Butch Tam Ho: This is a very sad day. I'm a retired Assistant Chief with Maui Police Department, served 30 years, I've been retired for 20 years and here I am today, talking to you about this, this is really sad. It's a sad day for Maui Police Department. You know this Chief, he said that he was aware of the culture. You know you had to apply, fill out all of the forms, go thru the (no sound) process and he was fully aware that the salary was whatever it was, \$158,000 and he accepted the job. Now after two months, he wants a pay raise. And the Police Commission approved it. As far as the Police Commission I think they should change that and have the Police Commission have a law enforcement background only. That way they would have a pulse on of what's going on in the department. The department is at its lowest point right now, 100 vacancies. And now leadership, he's the leader! All of his people are suffering, working under these bad conditions. Overtime, stress, anxiety, all of that. And what does he do? He comes in here and asked for a pay raise! As a leader he should (unintelligible) and decline a pay raise and show his people that he's a leader. Now if you don't give him this pay raise does that mean he will resign? Its like he's forcing the Commission to give him a raise. I would ask you, Commissioners to ask him if he does not get this raise, will he resign? That's what I want you to know. The department needs help. We are at the lowest point. The retirees are all rallying around the men trying to support them. We trying to support the men. I've been retired 20 years and my phone has been ringing off the hook. They're asking for help. That's the reason why I'm testifying right now. So please, this is a check and balance. You are the check and balance. The Police Commission approved this raise and you can stop it. And I beg you to stop this. Thank you.

Chair Abbott: Thank you Mr. Martinez. Any questions?

Butch Tam Ho: This is Butch Tam Ho that just gave the testimony.

Momi Awo: Thank you so much and sorry for the last minute - this is just something I feel moved to do. I wasn't planning to testify so I want to thank the Commission. Aloha kakou to my fellow citizens and everyone interested in the well-being of our community. I want to first of all say as a citizen, a lifelong citizen of Maui, I was born and raised in Pu'unene and my family is well rooted on Maui. I have had family members and close friends, close family members in law enforcement. And we have long supported our officers knowing that our community had asked for change and whatever kind of change that was, it was always my belief that we could pursue that positive change through promoting our officers within the department. But as the Commission's decision to hire outside of not just our MPD, not just outside of our island, outside of our state and the final decision was made and knowing that we

had a brand-new person that was to lead our MPD. I personally thought “ok we’re gonna give him a chance” you know, hoping for the best for this new person coming on board. And I was stunned when I read in The Maui News that he had asked for a pay raise and for all of the reasons he listed in the paper, and I know not often - I mean there are times when what you read in the paper, what you hear on the news, is just a snippet of the whole *mo’olelo*, the whole story. So, considering all of those things, I thought “well he hasn’t really proven his worth, his medal” the high cost of living I agree with earlier testimony that was presented should not have come as a surprise to him. And I was really feeling like we’re gonna give this you know our Police Chief a chance, we’re gonna support him as much as we can, but I don’t feel like he has given the community, he hasn’t earned the trust of the community. He hasn’t - - I have no doubt that he works long, long hours. And as far as pay raises for other Directors who have been here, who have earned their pay raises, I support that. But as far as the Police Chief, please reconsider. Thank you so much. That’s all I have. Aloha.

Chair Abbott: Thank you very much. Does anyone have questions for Momi? (none)

Marjorie Kahookele-Pea: Thank you for your time and for the hard work that you’re doing. I know this is really tough. My name is Marjorie Kahookele-Pea and I retired from Maui Police Department October 1st and I watched the entire hiring process and was supportive for the fact of change. I wanted to support change and I thought listening to the interviews were going to be different but I have been extremely disappointed and more appalled by what I’ve been hearing and seeing especially recently when I read an article in the paper about a pay raise for \$200,000 for the Chief which I’m just surprised because first of all you took a job which the pay was \$158,000 why would you possibly want to ask for a raise after being here for one month? I don’t think that’s deserved and I really think we should be using that money to split it amongst the officers if you’re going to take it to all the heads of the departments? Find a way to keep the officers there because the officers are leaving faster than I’ve ever seen in my entire life in my 25 career. I’m just really disappointed and I hope the right thing is done and a lot of people been hurt and pushed out of the department that shouldn’t have been and I don’t know where the information is coming from but something needs to be done, a raise is definitely not something there. Just extremely disappointed and I’m really really sorry for everybody that I used to work with. That’s it.

Chair Abbott: Thank you very much. I appreciate your comments and input. Any questions? (none)

Video testimony closed.

Phone testimony opened.

Matthew Nardi (808) xxx-4224: For anybody to apply for a job, to accept that job offer, knowing what the salary is, and to then ask for an increase without even one year of service? I don’t think anybody in the regular community has ever heard of

such a thing. It is absolutely over the top ridiculous. The Police Commission should resign and be fired for even suggesting such a thing. I think everybody I have talked to in the community is completely outraged. They should have been seen when he declared nobody in Maui County qualified for the number two position and brought his buddy from Las Vegas. This new Police Chief is making Maui look like a fool and this is just another reiteration of this and I think that the community is outraged and he should resign just for thinking of this and you know, I haven't found anybody who could fathom how you could even suggest this at this early point in his tenure within MPD the other the line officers who deserve the rate that had a freeze this is ridiculous. And you know, the fact that he would even make this I get it now for about a month. I think this is completely ridiculous, I think it's a slap in the face to Maui County. It's a punch in the stomach to the officers who've been there for multiple years. And frankly, somebody who's this selfish and greedy should resign from his position. Thank you.

Renette Yamane Rodrigues (808) xxx-7552: Hi. I'm Renette Yamane Rodrigues and I'm testifying in regards to the Police Commission's salary review. Um maybe what he's valuing his position at and what the Commission is valuing the position as is valid. However, I want you folks to please seriously consider that any any increase to the salary will greatly affect the budget, affect the community, because to whatever increase he receives, the deputy chief pay will be impacted as well. So, this impact is not just one. I seriously want you folks to consider any increase you folks decide upon be awarded in step, like in a merit increase. Nothing nothing awarded. Nothing should be awarded immediately or even retro. That is definitely something I don't think is deserved right now. So any award, hopefully its not within not that huge amount but any awards I think should be awarded in steps maybe for a increase a year from now, maybe another six months after that, another you know, another six months where it can come up to what salaries they are valuing the position at over the next five years or so but not immediate. I don't think an immediate increase of that huge amount is valid. What worries me and concerns me is that we all we awards in something that huge and then soon after they decide its not working out and then they decide to leave. It really concerns me. And as far as his arguments about being awarded such an increased cost of living, um yeah, like everybody said, he was aware of it. So that shouldn't be an argument. He accepted a position at the salary that was given the \$158,000. And as far as the Assistant Chief making more than he, was making or is making those those officers, those Assistant Chief, they earned it over the years. They put in their heart and soul to get to that point, whatever salary they were making. And as far as putting in a lot of work, a lot of time, that's expected for anybody coming into something new. I've put in a lot more time than I get paid for. Anyway, just to wrap things up, I really really really want you to seriously consider any award that you put in or give him and the deputy to be awarded in steps. Nothing immediately. Um, it can start after a review of I'd say a year. That would be fair. Um thank you very much for your guys time.

Leona Rocha Wilson (808) XXX-6020: My name is Leona Rocha Wilson. My family's been here on Maui since 1884. I wish to speak to item five of the aspect of hiring from outside. Actually, what I'd like to speak to is the emotional aspect of hiring from

outside and now not only hiring from outside but going ahead and giving him or proposing a raise. Again, he didn't do due diligence, which is really a problem. But the emotional aspect is really what I wanted to speak to. I think you can understand how the police officers must feel when they worked hard. They had dreams they had hopes, their families had hopes. And here the Police Commission goes outside of Maui to go ahead and hire someone who within two months wants a raise because the cost of living is high here. What do you think emotionally will happen to these people, to our people, our local people? You've taken away their dreams and their hopes of bettering themselves and giving their families a better life. I have children that come up here and we talk with children all the time because they don't feel they're as good as the mainland kids. And we tell them every day, every time you are every bit as good as any other child in the mainland. But guess what? When you hire someone from the mainland to take over and we had poor Larry Hudson, we had four wonderfully talented, experienced people you took away from them, not only from them, but you took away from all the other kids here and all the young adults. I have a young adult here yesterday wants to go to New York. She said, "I don't think I'm good enough." You know, when the Police Commission went ahead and hired from outside and now even worse, trying to give them a raise, I think that is totally over the top. I think you've taken away dreams and hopes from our local people. The kids, especially the kids. I feel strongly about that. Now, that emotional aspect is one. The second one I'd like to speak to is the fact that you consider, a we consider you consider whoever considers that housing is a cost of living. It's not. It's really an asset. I spoke with a very talented man and attorney, Bill Crockett, 95 years old. Bill said to me, "I don't know why they consider housing as part of a cost of living. It's an asset" think about it. It's an asset. Most of us, the asset that we have is the largest asset that we have is our home. Perhaps, and it's interesting, that the locals manage to go ahead and live on limited income. If you want to call limited income. They manage. We do it. Yes. Somebody comes into Maui and says we can't we can't afford to live here. Perhaps he's looking a little bit further than or his to his lifestyle is a little bit higher than it should be. You know what? Just remember the emotional aspect. No raise for him and consider that our children and our young adults here. Thank you.

Nick Krau (808) XXX-6474: My name is Nick Krau and I'm a police officer with the Maui Police Department, but I'm here on behalf of the State of Hawaii Organization of Police Officers. I represent the 300 police officers we have left at the Maui Police Department. I can say that morale is at an all time low. I have never seen it like this and it's breaking my heart. We're losing senior leadership from our departments at a very disturbing and alarming rate - again, which I've never seen before within the last week. Four of our personnel put in for retirement. This was unexpected retirements and you can't afford to be losing any more people. The other thing is that we've been without a contract for seven months now. That means we don't get any longevity step increases or anything until this contract is resolved. I think the timing of this request for a raise for the Chief of Police and Deputy Chief of Police is very tasteless and its even further impacting the already low morale of our police officers. So, I would think that it's not good. I'm not against giving anybody raises. I think everybody in law enforcement should get a pay raise. But there needs to be, you

know, across the board type of thing and take care of your officers first. Take care of our personnel first. They're the ones that were out there working through the pandemic and serving our community. Starting pay for a police officer in the Maui Police Department is \$65,000 a year. If these young officers can make it and survive off of \$65,000 a year, then someone should be able to survive off of \$160,000 a year. And its not taken into effect, I'm not bashing anybody. But you know, when you retire from law enforcement you get a pension. So, you add that to its pension. That's a retired person would come here to be the Chief of Police then they should be able to make ends meet. You know that's over easy over \$250,000. So, we added two together. Please take care of the officers first and support your officers at the Maui Police Department because we need it. We need it now more than ever. Thank you very much. That's all I have.

Chair Abbott: Thank you. Any questions? (none)

Hope Tupola (808) 870-9020: Thank you for your time. My name is Hope Tupola and I'm the wife of a police officer who's currently patrolling in Wailuku. Um, I would just like to say that I am very opposed to such a high raise in the Police Chief's pay. He did accept the position with the salary and he was very aware of that. I would just like to say that if you are considering the pay raise, it should be done in increments on when he earns his time. Just coming in two months into the job and asking for such a huge pay raise considering that you should have done your due diligence to research. It's irresponsible and it's very it's a disturbing matter. And also, I'd like to also say that you know, considering that the pay raise is coming from somewhere, I'm not sure where your budget comes from. But most likely taxpayers. And as a taxpayer, I'm not comfortable paying such a high, high raise increase in such a short amount of time. Its not fair to any of our officers or the community for you to be paying such a huge salary increase like that. So, you know, bottom line is we're opposed to this and I'm opposed to it. You know, that's just my opinion. That's all.

Chair Abbott: Thank you very much. Any questions? (none)

Danny Dodds (808) XXX-8430: Good morning Chair, good morning Commission. My name is Danny Dodds, retired police captain for 28 years in the Maui Police Department and I don't normally get involved in things like this but I do just kind of have to share. I've been listening to much of the testimony regarding the pay raise for this Chief, I just think again, I think its very early in the game for him to seek a pay raise. And on top of that, for the Police Commission to even recommend without any form of service yet. It's kind of befuddling to me that that would be something that they would consider without any kind of proof. This guy has done nothing yet. And as some of the other members have been speaking, as I'm getting phone calls, countless phone calls from men and women that I've worked with in the past, that our morale is at an all time low. And it's a very disheartening I think a lot of us I know that the retirees, we all love this police department dedicated most of our adult lives to this department, sacrificed our families, sacrificed a lot to have worked our way through this police department. The money is it is what it is. You know, you go through it, you take jobs, positions in the department, knowing that you're not going

to make as much as others. However, there's supposed to be a passion to this job and to care of your men and women. And at this point, it seems very odd to me that you took this this Chief took the job with knowing what the pay was and is immediately asking for a raise. And as some of the other testifiers have mentioned, is that there is a lot of people that were moved around in the department and without cause. And it was just very odd that people were almost being, I don't know, it seems like there's a vendetta against people. And I have nothing to gain by testifying right now other than I do care about the men and women of that police department. And I think cooler heads will prevail rather than being upset about things. But, we all have passion for this department. We all love this County of Maui that we've all been here for all these years. And to see the state of the department right now, it's very frustrating and its very disheartening. And somebody needs to give our officers hope. And I'm as well as I heard retired Chief Tam Ho say, if this guy really does care about the department, he should pull this thing away, this request for his raise and do the job. And if he's not going to get a raise, will he continue to do the job? And I just think in fairness, I mean, geez just took the job two months ago and I just think that there were a lot of other deserving people could have taken this job. So, you know, that's really my main position on this is that, you know, maybe after a year or so, let's review what he's doing. But I mean, its so early on, I don't understand how someone could request. I mean, it takes a lot of gall to request that kind of money. You know, I just want to thank you folks for your time. And again, not want to get involved to ruffle feathers, but at this point, I had to speak up. So, I thank you again for listening to me.

Chair Abbott: Thank you very much for testifying. Any questions? (none)

Manuel Kuloloio (808) 330-2896: Aloha. My name is Manuel Wayne Makaiapu DeCosta Kuloloio. I'm calling from Royal Kunia. Chair Abbott, Vice-Chair Fujiwara, Martin, Lantias, Parker, Misaki, Garrick, Ho, and Nakamura. An embarrassment to have heard last night. Let me set the record straight. I did participate for the first time in the Maui Police Department Commission to support the hiring of my family. Brother Everett Ferreira who I've known 51 years. And or Mr. Jakubczak, who has lived down the road from my grandma's house at 469 Maalo Street. People I would trust my lives and the lives of my two children with. Or my two sisters and their kids. Commission, a small group selected and this person applied for a job. For \$158,000 had the guts, the nerve, the gall, and the temerity to ask for \$195,000 then the Commission came back and said "that's OK, we'll give you \$205,000." You know I just had a Representative, a House Representative resign right after 1:00 when the Feds were coming out with a 13:30 press conference for some shenanigans that he did really stinks. It pisses me off. The Commission chose to hire someone outside of Maui or Hawaii as if we're not worthy for you to approve this hiring. Excuse me. The raise would add another insult to this other injury. And if we had not lobbied Honolulu Civil Beat shine the light on the Commission we would never know these shenanigans. So, Salary Commission members, do the right thing. Keep Maui No Ka Oi. That's the Maui that I grew up with. Thank you.

Chair Abbott: Thank you for your testimony. Do we have any questions? (None)

Commissioner Martin: I didn't hear the name. I'm really learning a lot from listening to our citizens of Maui. And the last gentleman, I didn't catch his name or where he was from. Can you ask him to repeat that?

Manuel Kuloloio: Aloha sir. Are you Peter Martin?

Commissioner Martin: Yes.

Manuel Kuloloio: You probably knew my dad. Leslie Kuloloio.

Commissioner Martin: Oh. Yeah. Great man.

Manuel Kuloloio: I'm not resting on the laurels of my dad. I do my own thing. Ok? Thank you, sir. Thank you for your support Mr. Martin.

Chair Abbott: Thank you. Any further questions? (None)

Lana Lo (808) 281-3272 – My name is Lana Lo, born and raised on Maui. I don't, I don't do this. I've never testified. But this has just angered me when I read what happened. First of all, talking about the Police Commissioners intent to give the Police Chief a raise is ludicrous. We have island people. He's complaining about the cost of living. Ok, I get it. We all know, we live here. We know the struggle. It's real. You have people who are working two to three jobs just to make ends meet. And then this foreigner comes in and is harping about the cost of living. He hasn't proven himself. He hasn't even worked three months like most of us have a probationary period. I mean seriously. And he asked for a raise to give him more and it's a slap in the face to all the island people who are trying to make ends meet with two to three jobs. No, I didn't do research. I don't have a spreadsheet. What I have is a brain and a heart because I love Hawaii. I love the people here. But when you bring an outsider in who thinks he's worthy of much more than us, I mean seriously, come on. Especially you locals on the Commission. Shame on you. Shame on you. Because you know the struggles of our people who have lived here and I know some of you who have lived here, whose parents have lived here, who knows how hard we work, he has not proven himself or he or I'm sorry, he didn't even hold news reports on the recruit who is in the hospital. About the vacant, over 100 vacant positions for our police department. But all of a sudden, he's all over the news for "drug busts in Lahaina" is that him prove his salary? I mean, come on. It's mostly weed. But anyway, I'm just upset. That's all I wanted to say. Just think of the people working two to three jobs to make things, you know, to live here in the islands. We deserve so much more. Please reconsider and do not give him this raise. He knew what he was getting into and if he doesn't like it, then aloha, you can leave the island. Because you know what? As the saying goes, this ain't the mainland. Thank you.

Chair Abbott: Thank you very much. Any questions for the lady? (none)

Public testimony closed.

Chair Abbott – At this point in time, I think we should introduce and go to any written or provide written material provided. Is that correct Rochelle or Stacy?

Stacy Takahashi – Hi Chair. Yes, written testimony was submitted. It was sent to all of the members and was also posted on the website.

Chair Abbott – And with that, the public testimony is now closed.

3. Approval of the Minutes of the January 14, 2022 meeting.

Item was deferred to the March 11, 2022 meeting.

4. Discussion of Additional Information and Resource Needed for Decision Making

Commissioner Parker requested a current version of all of the salaries of Directors and Deputies for review. Chair Abbott agreed. Commissioner Misaki requested information on where the funds will come from and if it would take away from any other program. Stacy Takahashi confirmed that the requested information can be provided by the Budget Director and she will draft the request.

Deputy Corporation Counsel Trenholme asked to put all requests together for a board vote.

Commissioner Misaki made a motion to request a current version of all of the salaries of the Directors and Deputies from the Department of Personnel Services and the Budget Director and the source to funding for any salary increases should this body vote in favor for. Commissioner Parker seconded the motion.

Motion carried unanimously.

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

a. Presentation by Department of Liquor Control, Director Layne Silva

Director Silva has been on the job for one year and is available to answer any questions Commissioners have. Department of Liquor Control's budget is derived by liquor sales through liquor licenses in Maui County and does not come from the general fund.

Commissioner Martin asked if the Commission was a five-member Commission. Director Silva stated that it is a nine-member Commission. Commissioner Martin asked if the Commission was unpaid like the Salary Commission. Director Silva confirmed that it is voluntary. Commissioner

Martin asked if they would be recommending the pay of certain people and Director Silva clarified that he's the Director within the department and that he was deferring to Chair Bolosan and Vice-Chair Becraft as the next item on the agenda.

Commissioner Misaki asked if the excess of the funds for liquor sales pays for the department and then goes into the General Fund. Director Silva said that it does not. Commissioner Misaki asked where do the funds go if there's an excess? Director Silva said that they try to estimate their budget closely but the remainder at the end of the year is considered carryover savings. It goes towards the calculation of the percentage fee going into the following fiscal year. Depending on the carryover savings, whatever monies are left over from the previous fiscal year will automatically be calculated into the upcoming fiscal calendar year. Their budget is derived from current carryover savings as well as a basic fee and a percentage fee is what is tacked on to the back end to cover whatever balance there may be required for that year's budget. Anything that is left over at the end of the year goes forward to the following year, which would result in a lesser percentage fee being assessed to the licenses.

Commissioner Misaki asked if the annual percentage fee changes every year. Director Silva confirmed that it fluctuates.

Commissioner Misaki and Chair Abbott thanked Director Silva for his presentation.

b. Presentation by Liquor Control Commission Vice-Chair Jaime Becraft

Vice-Chair Becraft said the nine members have met and discussed the pay raise and are putting forward the pay raise request. Director Silva has been evaluated and has done well and they want to point out that we need to keep up with inflation and would like to keep the position funded and competitive and is asking for a basic inflation increase. Vice-Chair Becraft requested a 4% raise per year but if they can do a 7% up front, they are in favor of that also. He wanted to make clear that this is what their board wants.

Chair Bolosan covered a lot of the responsibilities of the department in his earlier testimony and humbly requests consideration of the proposed pay raise and appreciates the work of the Salary Commission.

Chair Abbott thanked Chair Bolosan and Vice-Chair Becraft for their presentation.

Commissioner Parker thanked both representatives from the Commission. He asked how do they reconcile the idea of inflation for a salary increase with inflation as an impact to the license fee holders for the businesses that are charged. The license fee is essentially the basis for where the salaries are

generated from with regards to the Department of Liquor Control and he wouldn't want to make-an-assumption but any increase to the salary would likely be borne on the backs of your license fee. How often have they raised the license fee? Do they anticipate to raise license fees to pay for any increase to the Liquor Control Director? And how do they reconcile the fact that inflation is also impacting businesses in the community and their ability to remain open or closed depending on the licensing fees charged by the Liquor Commission?

Chair Bolosan responded that the Department of Liquor Control annually collects sufficient revenue and there is always carry over money available. As far as businesses, it fluctuates many times because of the carry over savings. It is not a big factor for the department to give a minimal raise for the Director and Deputy Director due to available funds on hand.

Vice-Chair Becraft said that there's \$300-400 million liquor sales per year. They take approximately 1% for their budget that is funded by them and not through the County. In the calculation they would be charged more – technically the answer is yes but in reality it's a no due to the cost savings that occurred due to COVID such as no outside training, no flights and excess money is being rolled into next year's budget.

Director Silva said there's a complicated formula to figure out their percentage fee. In the 21 years he's been with the department, they've only touched on 1% maybe in the past. It was around 2008 or 2009. The basic fee hasn't increased since he started in the department 21 years ago. They have never gone over 1%.

Chair Abbott thanked them for their presentation.

c. Presentation by Fire and Public Safety Commission, Chair Kyle Ginoza

Chair Ginoza did not have a presentation like the other departments. He was given the authority to speak. In light of recent the recent publication in The Maui News, he realized that other Commissions have determined a value that they recommend. He has a Commission meeting scheduled the following week and would have a discussion of what they would recommend from a dollar amount. He didn't want to step over the bounds of the Salary Commission's purview. The Fire Department is similar to the Police Department where they're first responders. The Chief needs to be available 24/7. It's a large department with almost 400 employees. Like the Police Department, other departments, he's aware of have the significant salary inversion issue where not only their direct reports have higher salaries (Assistant Chief or Battalion Chief levels) but over time, a lot at even at the Captain level with overtime. When you factor in overtime and other standby and other pay, there is a significant salary inversion.

The Chief they selected is doing an excellent job. They support whatever COLA, inflationary type increases, as well as to try to address the salary inversion issue that is really pervasive through many departments. The Fire and Public Safety Commission has an open agenda item for their next meeting.

Commissioner Misaki requested a letter after their next meeting recommending what they think pay raises should look like for the Chief and Deputy Chief would suffice.

Chair Ginoza confirmed that they could provide the letter. He said that he knows this commission is in good hands with Commissioner Misaki because was Commissioner Misaki was the Chair of the Fire and Public Safety Commission prior to him and he has a lot of insight to that.

Commissioner Martin commented that they are fortunate to have Chair Ginoza on the Fire and Public Safety Commission because of his background. He agrees with Commissioner Misaki that they should wait for their recommendation because he's fascinated by the education he got today and with the Police. He would also like to wait and see for what the Fire and Public Safety Commission suggests. This inversion thing doesn't bother him because at his company he gets paid the lowest. What's Chair Ginoza's opinion on this?

Chair Ginoza: From personal experience, they didn't discuss salary inversion at the Commission level, about. They know it's present. He personally looks at the general compensation packages. He feels that its not only the inversion but there's overtime and he finds it interesting that the lower ranking civil service employees gets regular cost of living type increases and at the director level, does not. That's why he thinks the inversion keeps growing because not only the base pay increase through union negotiation, you add on the standby pay and overtime and it widens the gap. I personally don't believe that it has to be where that top person needs to be well above the top civil servant position. The salary is based on the position and not the person. Depending on the qualifications of somebody coming in, where the individual has to accept that fact that somebody could be a graduate of a prestigious university with excellent experience but would have to have the same salary as somebody meeting the minimum requirements. And trying to appease and satisfy the public, it's hard to say people should have this salary and then appointing authority to hire somebody with minimal qualification. There's an uproar of that. There's no right answer and unfortunately to overpay for a government employee, for somebody that just needs a minimum qualification would create more of an uproar than to have a decent salary for somebody having to take the sacrifice to being a public servant.

Chair Ginoza has had three stints with the County of Maui and for him, it was that he knew the Salary Commission said it was based on the position and he

had to make a family decision on whether or not it was worth it to make that sacrifice. There's a wide spectrum of right or wrong answers. Ultimately, and because you don't know that this one super qualified person might retire tomorrow and there's no applicants and you have to pick whomever is left over that, that might happen. But you might be under fire for overpaying somebody with that is less qualified. It could go either way, and at that level, more so the director appointees, people just have to make that call of whether or not they may make less than employees. But unfortunately, right now, he thinks they just make too much less than what some of the employees make. Unfortunately, right now, he thinks they just make too much less than what some of the employees make. He doesn't know if you need to make it higher, but that you can consider a step increase just based on the rigor of the position and just the time it takes and not being compensated for that extra time.

Chair Abbott asked if there were any further questions or comments and thanked Chair Ginoza for all of the information.

Chair Ginoza confirmed that they would provide a letter for the next meeting.

Chair Abbott requested the sooner the better. Chair Ginoza clarified that it would be a recommendation from their Commission as to what they would see as an appropriate for the Fire Chief and Deputy Fire Chief would be. Chair Abbott agreed.

d. Presentation by Police Commission, Chair Frank DeRego

Chair Abbott asked if we had a letter from the Police Commission. Stacy Takahashi confirmed that the letter was submitted and posted for all of the members.

Chair DeRego: Aloha e members of the Salary Commission. I am Frank DeRego, Chair of the Maui Police Commission. You have received our formal letter based on our discussions of our meeting on February 2, 2022. I would like to though, make some independent remarks. I think the Commission can read that unless you want me to read it into the record at some point at the end. But that would be for the that's basically the recommendation of the Commission. And if you'd like me to read it into the record at the end of my prefatory remarks, I am happy to do so. So I'll leave that up to you Chair.

For the record, I want to emphasize that the Police Commission and for the Chief, for that matter, were invited to participate in the Salary Commission's process of determining the salary of Directors and Deputies of the County departments. The Police Commission or the Chief, did not initiate this discussion. We received, the Commission received a letter from you on December 17th, I think it was. Asking us to be at a meeting on January 14th. At that time, it fell out of cycle with our Commission meetings. Therefore, we

could not, I could not, I only could speak personally. I could not speak with the authority of the Commission at that time. So, I was asked to come to this meeting on February 11th. Subsequently, we had a special meeting we actually separated this issue from all the other ones that we do with on the Commission. So, we actually had two meetings in a month where we discussed the salary of the Police Chief. But I just want to emphasize that I think there's a really big misconception that the Police Chief sort of and the Commission sort of voluntarily entered into this process. We were asked, based on what you heard before, every two years the Police Commission looks at the salaries. Right. And if I remember correctly, the Police Chief was invited way back in December. I don't think he was even two months on the job, two days on the job to make that presentation. That was at the Salary Commission on January 14th. So actually, our presentation and the Chief's presentation were separated. So, I think that's an important point. This is part of a process that was initiated by the Salary Commission and he was asked to be there and we are asked to be here today. I personally and I'm sure the Commission will want to commend the Salary Commission for the due diligence in this regard as outlined in Section 8-17.1 of the County Charter, you're actually required to consult with us, especially those that hire, remove, and discipline their Directors.

So, the task of the Maui Police Commission, as we saw it, was to establish a benchmark for the salary of the Chief of Police in the estimation of the Commission. The presentation by the Chief provide a current helpful baseline of information to determine what that baseline might be. And let me repeat that - we were asked to benchmark the position separating it from the individual. This is what we saw our task to be. The comments and recommendations based on the Police Commission discussion of February 2nd, 2022, are contained again in the letter dated February 3rd, 2022. We got to that quite quickly after our meeting and were transmitted directly to the Salary Commission, which I see referenced in the agenda. The Police Commission understands that the context, that any context, the Salary Commission would like to attach to the recommendations being made by the Police Commission, is in the hands and at the discretion of the Salary Commission. This could include taking into consideration the current fiscal conditions of the County and/or the wisdom of phasing salary targets that the Salary Commission believe are reasonable and the like.

I could take some notes and this is outside of my prepared remarks, but this goes under the category of misunderstanding the process. I think it was a Councilmember who mentioned that, you know, one of the arguments is that if the job was worth, as we recommend, \$205,000 a year, we should have offered it during the time of hiring of the Police Chief. Well, there's a simple answer to that. We didn't offer it because we couldn't. We're not the Salary Commission. That was the current salary that the Salary Commission had determined for that job. I want to repeat that. We didn't offer it because we couldn't. We have just entered into this process. You know, at some point,

you, the Commission, this is way out of my boundaries for speaking. You might consider an independent evaluation of salaries and Directors and Deputy Directors outside of the personalities of the people involved. But that's just parenthetical remark. Another misconception I heard today during the testimony - the Chief doesn't decide salaries for officers and he doesn't control the contract negotiations. If you want that kind of information, I would go and ask Corporation Counsel Moana Lutey on that. But I heard that come from someone who testified today. Gathering may have been from the union, but that's just not true. OK so that's my testimony. You have what the recommendation of the Commission is. I think you have now our understanding of the process and what we were asked to do, and we hope that fits in with you. But I think our job for this is done at this point. But we want to thank you. This is not an easy job. You guys do even if this review is not an easy thing and we understand the pressure you are on from the public. I think you heard a lot of other kinds of concerns that were going on. But I think those concerns need to be bracketed in a sense, because what you're asked to do, I think, is to benchmark what the position is and try to fit it in a larger framework of all the salaries of the Deputy Directors and Directors, and Councilmembers and the Mayor. Which is a very daunting task for all of you so, so your sympathies? My sympathies for you guys, we went through our own process hiring the Chief, which was quite a robust one. Its always good to hear from the public, no matter what their concerns are. And you got you've got a real taste of what we ended up happening over eight months during the hiring of the Police Chief. But that's a parenthetical remark. So mahalo for your willingness to hear me out and the Commission's recommendation.

Chair Abbott: Thank you Mr. DeRego. Are there any questions? (none)

Commissioner Lantias: I consider, Mr. DeRego, that you have considered the benchmarks. My one question is on the benchmark considering the candidates that did apply for the position that were previously in MPD, what was their benchmark that did not qualify for the position of that Mr. Pelletier?

Chair DeRego: Sir, that's not an appropriate question for what's happening at the Salary Commission right now. We've made our decision. I'm talking about benchmarking the salary. That hiring was in the hands of the Police Commission. I won't be answering questions on that at this point.

Commissioner Lantias: I'm just wondering what the qualifications were there that considered that you feel is appropriate for this candidate that was hired. As the Salary Commission, we need to look into consideration not the person, but the time spent and the qualification a person that is there. So, you asked these questions that we want us to qualify the salary for but on another hand, we can't ask the question of your benchmark regarding what makes it more qualified for a certain person and that's what I'm confused about right now.

Chair DeRego: I'm a little confused about the question. If somebody else could

clarify it for me.

Chair Abbott: Excuse me, I'm going to butt in as the Chairman of the Salary Commission. We're not talking apples and oranges at the same time here. We're talking the salary levels of the department heads. We have nothing whatsoever to do with the hiring practices or anything else of the Police Department or any other department. We are here only to decide salaries. That's all. That's all our proviso calls for so we have to stick with that.

Commissioner Lantias: Okay fine.

Chair DeRego: That was exactly my point.

Commissioner Nakama: Mr. DeRego thank you for your testimony. Just to clarify, I think you said that the Police Commissions job is to benchmark the position every two years based on conditions of the department and surrounding the position itself. Is that correct?

Chair DeRego: Yeah, we looked at things like that. I think if you read the letter right, we based it on the – well, I can read the letter...

Commissioner Nakama: No, I actually have it in front of me. I just wanted to clarify. So, there's two conditions that are listed on the letter on page two, that Assistant Chiefs and some Captains are making more money than the Chief of Police. So, there's a bulleted list there. Any of those things, I guess, newly existing compared to when you guys last went through this process two years ago?

Chair DeRego: Okay, I would not know that because I wasn't Chair and I wasn't even on the Police Commission two years ago.

Commissioner Nakama: Would you happen to know what the previous recommendation was from two years ago in terms of what this is?

Chair DeRego: No, I would not. I think there was also a moratorium because of COVID put on that process, if I'm correct and the Chair (Abbott) is nodding, and yes, I think it was a moratorium on salaries at that time. So, you're looking at four years ago, possibly, when the salary then went to the Police Commission was actually asked this question by the Salary Commission.

Commissioner Nakama had no further questions.

Commissioner Martin: This expression keeps jumping out when you speak, and old expression "smart you" you really clarified a lot of things for me. Thank you. I really like what I believe is in many of the testimonies. First, I think this whole process was excellent today. I learned more than I have in three or four years in this Commission. In your clarification today, you said

there's a misunderstanding. And I agree with that. It sounds like it. I always like to try to stop and get the facts. And we're getting there on the facts and you know I keep thinking it's the old days people burned witches, right? And that there was no witch and they just burned people because they didn't get the facts and misunderstandings. We don't want to do that and so I really appreciate your clear explanations and thank you for your service. And I hope someday you're going to be on the Salary Commission.

Chair DeRego: That would be jumping into the fire. From the pot into the fire. But thank you for that lovely comment, I appreciate it.

Chair Abbott: Are there any further questions?

Commissioner Parker: I'm sorry Chair DeRego, I'm not letting you off that easily. I did have one question and I want to be respectful because I know that all of us serve in voluntary capacities in our roles, either on the Salary Commission or the Police Commission. But I do also want to be careful that the Salary Commission doesn't take the brunt of all of this. But we do, yes, as you stated, do have the responsibility for setting the salaries of Deputies, Directors, the Mayor and the Council. However, I'm a little bit miffed in that although the Salary Commission, we meet monthly, it doesn't mean that the Police Commission couldn't have come to the Salary Commission the moment they were going through the process of hiring a new Chief and wanted potentially engage in a more competitive salary the moment they began the recruitment for a new Chief rather than waiting for us to come to the Police Commission and asking for your recommendation of a salary. So, I think there needs to be some clarification there because ...

Chair DeRego: Can I please answer the question?

Commissioner Park: Well hold on, I'm not done yet. Well, we did ask the Police Chief to present and provide commentary on the recommendation of salary now that we're in this process now, it doesn't preclude any entity to come to the Salary Commission, particularly those that have oversight over their Chiefs. You, for the Police Chief, the Fire Commission for the Fire Chief, the Liquor Commission for Liquor Director, et cetera, to come before us and make a recommendation at any point in any one of our meetings or ask to be on the agenda, say "look, we have a concern where the salary is at right now and we'd like to have a discussion with you because we don't feel that the salary is set to be competitive we're about to engage in a particular process to recruit for a new Chief or a new Director. And we feel that we should particularly look at something that might be different than what it presently is." So, I just want to point out that for clarification, because I don't want us to be passing the ball and passing the buck now that the heat has been turned up and that it all falls on us. Although, yes, I will admit that the Salary Commission holds ultimate responsibility for us

Chair DeRego: So let me turn that around on you, Commissioner. When it was common knowledge that the Police Chief was being hired, there was no offer by the Salary Commission of looking at the salary. We didn't even know what you're talking about was even a possibility. So, I think the communication goes both ways on this. When we started hiring, we were given the salary and no indication that we could do any kind of negotiations about that salary with the Salary Commission. This whole idea about every two years looking at the salaries came as a surprise to me when I heard about it in December. But there was no communication about that as well. That was an expectation of the Commission. So, I hear what you're trying to say. I think what it boils down to is there needs to be more communication between the Commissions who have responsibility for these areas and more of a constant communication, because for those that have responsibility for hiring, removing and disciplining. But I think that your comment goes both ways.

Commissioner Parker: I would totally agree and I'm not going to have a tit for tat conversation now. But in your letter, you pointed out significant concerns that the Police Commission had that didn't happen overnight. So, I would like to point out that if those concerns have been present for a significant amount of time, I would suggest that it behooves the Commission to take an active stance to come before those decision makers ahead of time and not blindside us with a \$205,000 recommendation which considerably puts this position higher than any other position and I'll go into more detail if I need to.

Chair DeRego: I'll stand on my previous comments, Commissioner.

Commissioner Parker: But I will also point out that this position manages a body less than the Honolulu Police Department, and you're asking for a salary comparable to the Police Chief of the Honolulu Police Department. And I took offense to that as well, because all of a sudden now you're presenting a salary that puts us in a position to say, where is this coming from? And I will also point out for the record that nowhere in the Charter Commission and nowhere in our monthly agenda does it stipulate that the Salary Commission only meets for two years and only takes up Salary Commission recommendations every two years. We meet monthly and the agenda is posted so that we can have conversations on a monthly basis.

Chair DeRego: And there was no indication on our side that we had that ability. That's all I'm trying to say.

Commissioner Parker: Again, I will end with this comment. I respect your service and I understand that everybody serves on a voluntary basis, but I just don't want anybody passing the buck to us, because now that the heat has been turn up and nobody wants to be responsible for that. But I will respect that. The Salary Commission is charged with setting the salaries for Deputies, Directors, the Mayor and the Council. That's all I have. Thank you.

Chair DeRego: Ok, we will agree to disagree.

Chair Abbott: If I may jump in here, and Scott, I agree, at no point in time was the Salary Commission even questioned or the Police Commission went on the current salary of what was being paid, and that's what they presumed their employer choice would be. So, I think we weren't involved anywhere in the beginning of any part of the hiring of this Police Officer. Now, it's our decision to what goes on. Is that correct?

Chair DeRego: Are you asking me, sir?

Chair Abbott: I'm just saying that that is that the way it stands. I think what this does point out needs to be more understanding of how these Commissions interact and integrate, though if we had known that we could have come to the Salary Commission and it didn't even dawn on me, you know. And then, like I said, when we got the invitation, I actually had to go out and ask questions. Well, what's this? How does this fit into the process? So, all we thought we were doing was benchmarking what we thought that the position is worth in comparison with other municipalities, other places - right. Were of similar duties - right. And similar cost of living and similar size of organizations. And we did that and we thought we were doing ok based on what was and obviously if the heat on this is on the Salary Commission, I'm sorry about that if that's the perception but we thought that we were fulfilling what we were being asked and we hadn't, I, at least, had no idea that there could be this give and take between Commissions. So, my take away from this is let's make a memorandum of understanding or whatever that somebody keeps, right? That says, if you're going to do a hiring process, check back with the Salary Commission and see if there's any way of negotiating a salary that's going to be, you know, market based. If you want to put it that way. I'm in business development. You know, and then, we can engender the kind of conversation that Commissioner Parker is talking about.

Chair Abbott: I agree that conversation is the most important factor here.

Chair DeRego: I would say, it's not a process that I don't think people have engaged in before. It's sort of a creation at this point. But maybe it's a good creation at this point. But no, you just can't pop something out and say, you know, well, you should have done this when, you know, there was no idea of that. That wasn't even the expectation or an ability that a person could have.

Chair Abbott: You took the information that you had in hand and the salary level you had in hand and that's what you offered anyway. Any further questions?

Chair Abbott called for written testimony. Chair Abbott asked Deputy Corporation Counsel Trenholme if we wanted to read the letter from the Police Commission Chair into the record?

Deputy Corporation Counsel Trenholme confirmed that we don't need to read it into the record as its been posted online. The link is online in the County Documents Center if anyone wants to access it.

Chair Abbott asked if it was time to release all of the public testimony to the Salary Commission Members. Deputy Corporation Counsel Trenholme confirmed that the documents have been sent to the Commission Members and has also been posted in the Documents Center.

6. Schedule Next Meeting

A Special Meeting is scheduled for February 25, 2022, at 9:00 a.m. The purpose of the Special Meeting is to have all additional information the Commissioners feel they need to make their decision before Vice-Chair Fujiwara terms out. Commissioner Nakama made a motion to have special meeting and Commissioner Parker seconded the motion. It was approved unanimously.

Discussion was made whether to hold an Executive Session. Deputy Corporation Counsel Trenholme advised that Executive Session is not necessary because under the Sunshine Law, there are very narrow exceptions to warrant going into Executive Session. If an item comes up that is one of the exceptions under the Sunshine Law, then we can address that agenda item. Based on the current agenda items now, it is not necessary. Reference was made to Sunshine Law Section 92.

The next meeting is scheduled for Friday, March 11, 2022, at 8:30 am.

7. Agenda Setting for Next Meeting

Deliberation and Possible Action on Salaries for the Department Directors / Deputy Directors and County Auditor.

8. Adjournment

Meeting adjourned at 11:15 a.m.