

HONOLULU FIRE COMMISSION
CITY AND COUNTY OF HONOLULU

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WILLIAM HONG

Minutes of Regular Public Meeting
Honolulu Fire Department Headquarters
Honolulu Fire Department Auditorium
Tuesday, April 17, 2018

CALL TO ORDER: Chair Wataru called the regular meeting to order at 1:10 p.m.

MEMBERS PRESENT: James Wataru, Dr. Joseph Young, Charlotte Nekota, Stefanie Lee, and William Hong.

MEMBERS EXCUSED: Arnold Wong and Max Hannemann.

IN ATTENDANCE: Fire Chief Manuel Neves (HFD), Deputy Fire Chief Lionel Camara Jr. (HFD), Assistant Fire Chief Scott Lawton (HFD), Assistant Fire Chief Ron Rico (HFD), Chief Socrates Bratakos (HFD), Assistant Fire Chief Nathan Ramos (HFD), Battalion Chief Jeff Hooker (HFD), Battalion Chief Wayne Masuda (HFD), Battalion Chief Jason Samara (HFD), Battalion Chief Bryan Soares (HFD), Battalion Chief David Morgan (HFD), Battalion Chief Joseph Kostiha (HFD), Battalion Chief Robert Thurston, Battalion Chief Howard Naone (HFD), Robert Lee (HFFA), Andy Fukuda (HFFA), Mike Kaneshiro (HFFA), Bill Thomock (HFFA), Jolyn Prieto (HFFA), Daisy Canile-Miyashiro (HFFA), Duane Pang (Corporation Counsel), Brian Ancheta (Corporation Counsel) and Nadine Murata.

Chair Wataru asked for a motion to amend the agenda to add an item under the Fire Chief's report to reflect "VII. Private citizens/Public complaint". Commissioner Nekota moved and Commissioner Hong seconded that the agenda be amended and there being no further comments the agenda was approved as amended.

II. PUBLIC TESTIMONY:

Chair Wataru asked if there was anyone from the public who wished to give public testimony. Mr. Lee of the Hawaii Fire Fighters Association (HFFA) introduced himself and asked the Commission for an update regarding the union's request for disclosure of the Evaluation of the Fire Chief annual report for 2013 and 2015.

Counsel Ancheta informed Mr. Lee that a Notice to Requester was emailed on March 21, 2018, to Ms. Prieto. The Notice mentioned that the 2014 evaluation was already available on the Honolulu City Council's public record database, but the 2013 and 2015 evaluation required further review to determine whether the Fire Chief's privacy interest in those evaluations triggered an exemption to public disclosure. Counsel Ancheta said the plan was to ask the State Office of Information Practices for an informal opinion on this issue.

Chair Wataru asked Mr. Lee if he had anything more to add. Mr. Lee mentioned that after the City Managing Director provides his testimony should there be a concern he would like to give testimony.

III. Comments from City Managing Director Roy K. Amemiya, Jr. regarding the responsibilities of the Fire Chief, Fire Commission and Managing Director under the City Charter.

Mr. Amemiya gave a brief summary of the Marco Polo Apartment incident to the Commission and informed that a task force was formed and Chief Neves is the team lead.

Mr. Amemiya discussed a bill that was introduced at the Honolulu City Council regarding retro fitting sprinklers in the Marco Polo and mentioned that Marco Polo has decided to move forward with sprinklers with an opt-out option to its residents.

Mr. Amemiya mentioned that due to early retirements, the City has been noticing a lot of vacancies within departments.

Mr. Amemiya went over accreditation with the Commission and explained what accreditation means to the City and its agencies.

Mr. Amemiya indicated that Fire Chief Neves has several concerns and he has asked for clarification on the roles and responsibilities of the Fire Commission. Mr. Amemiya went over the hand out with the Commission and highlighted City Charter Section 6-1005 in reference to the Fire Commission. Mr. Amemiya noted that in addition to the Fire Commission, the Fire Department also reports to the Managing Director as he is the supervising authority for the department and explained how "appointing" and "supervising" roles differs within the City.

Mr. Amemiya also went over another concern Fire Chief Neves had regarding public safety. Mr. Amemiya explained what public safety is and noted that when an order is given from any head authority within the City agency it must be followed.

Mr. Amemiya noted that the Mayor's cabinet meetings are held twice a month where department heads from City agencies meet.

Mr. Amemiya went over public safety meetings which are conducted by the Mayor and in attendance are fire, police, emergency management service, ocean safety, city prosecutor, corporation counsel, and members from the Managing Director's office. Mr. Amemiya also went over special event meetings such as the 75th anniversary of Pearl Harbor etc.

Mr. Amemiya passed out copies of Sections 6-1001 thru 6-1007 of the City Charter to members of the Fire Commission. Mr. Amemiya asked Chair Wataru if the Commission would like to go over the Fire Chiefs qualifications, powers, and duties or focus on the Fire Commission. Chair Wataru answered, "Fire Commission".

Mr. Amemiya went over Section 6-1006 with the Fire Commission and highlighted "Except for purposes of inquiry or as otherwise provided in this charter, neither the commission nor its members shall interfere in any way with the administrative affairs of the department". Mr. Amemiya indicated that the Commission has the power of inquiry but the Fire Chief runs the department.

Mr. Amemiya asked if there were any questions. Chair Wataru asked Mr. Amemiya what is the purpose of the Managing Director's report before the annual evaluation of the Fire Chief. Mr. Amemiya mentioned that his performance evaluation of the department would reflect on the Fire Chief and how he works with the City.

Chair Wataru mentioned Section 6-1006 and asked for clarifications regarding personnel actions. Mr. Amemiya noted actions would be followed under the collective bargaining with Steps 1, 2, and 3.

Commissioner Nekota asked Mr. Amemiya for reclarification on the question that Chair Wataru asked and asked Mr. Amemiya how does he know of complaints and if he hears any. Mr. Amemiya answered that he usually doesn't hear complaints only when it reaches Step 2.

Commissioner Nekota asked how does he hear it, is it from the Chief or the complainant. Mr. Amemiya answered from the Fire Chief or Human Resources.

Commissioner Nekota mentioned if the Fire Chief has control and someone has a concern but is too afraid to speak how does one handle it. Mr. Amemiya mentioned that collective bargaining using public sector unions is the appropriate way to handle it. Commissioner Nekota agreed and mentioned that the main concern should be the health, well-being, and safety of the firefighters.

Commissioner Nekota expressed her concerns with Mr. Amemiya and how the bickering between the union and department is not healthy for the department as it brings morale down. Mr. Amemiya mentioned that he didn't quite understand what Commissioner Nekota was referring to. Commissioner Nekota explained the relationship between the union and the department to Mr. Amemiya and suggested that maybe the Managing Director should be the one to fix the relationship. Mr. Amemiya agreed and indicated that there is not a single union who gets along with department heads.

Chair Wataru informed Mr. Amemiya that the Commission is made aware of personnel actions through the union and asked how can the Commission be made aware of personnel actions. Mr. Amemiya mentioned personnel actions are promotions and substitutions and the Commission should ask the department if there are any personnel actions being taken. Commissioner Nekota mentioned that the Commission does ask but there is no answer.

Fire Chief Neves asked Commissioner Nekota what question has been asked with no answer. Commissioner Nekota mentioned personnel things with an answer of “privacy stipulation” and indicated from Mr. Amemiya the Commission should be able to get an answer.

Chair Wataru asked if there were questions for Mr. Amemiya. There were none.

Chair Wataru asked Mr. Amemiya if he will be attending the next Commission meeting. Mr. Amemiya answered, “Yes”.

Commissioner Lee asked Mr. Amemiya if he will be providing his evaluation of the department to the Fire Commission. Mr. Amemiya answered, “Yes”. Chair Wataru asked if the report has to be received before the Commission makes its evaluation. Mr. Amemiya wasn’t sure whether the Commission is to receive it but mentioned that the Charter indicates a report is supposed to be provided to the Commission.

Chair Wataru noted that Mr. Amemiya will be providing his report to the Commission at the next meeting.

Mr. Amemiya thanked the Commission for their time and indicated that Commissioner Nekota is correct when she expressed her feelings for a better relationship between the union and the department.

IV. APPROVAL OF THE MINUTES OF MARCH 13, 2018: Chair Wataru called for any comments or corrections to the minutes of the regular public meeting March 13, 2018. There being no further comments or corrections the minutes were approved as circulated.

V. APPROVAL OF THE EXECUTIVE SESSION MINUTES OF MARCH 13, 2018. Chair Wataru called for any comments or corrections to the minutes of the executive session meeting of March 13, 2018. There being no further comments or corrections the minutes were approved as circulated.

VI. REPORT OF THE FIRE CHIEF: Chief Neves passed out his monthly report and highlighted the following:

1. 103rd Fire Fighter Recruit (FFR) Graduation. Fire Chief Neves thanked Chair Wataru, Commissioner Lee and Commission Young for attending.
2. 104th FFR Orientation. Fire Chief Neves mentioned that the class started with 50 recruits and ended with 46 due to the screening process.

3. Budget Hearing at the City Council. Fire Chief Neves informed the Commission that the department went before the Council twice. Commissioner Hong asked Fire Chief Neves if Council had any concerns with the budget. Fire Chief Neves explained how the budget hearing process is conducted and mentioned that reductions were made by Council. The department was able to reinstate 9 of the 30 based upon presentation and justification and the department is currently working on other request. Commissioner Hong asked Fire Chief Neves if he could provide the Commission documentation so the Commission may see where Council is cutting back in the budget.
4. HFD Station Visitation.
5. Honolulu Community College Distinguished Alumnus Award Ceremony. Fire Chief Neves noted that he was a part of the distinguished alumni and thanked Commissioner Hong for attending.
6. Joint Terrorism Task Force Meeting. Fire Chief Neves explained what a joint terrorism task force meeting is and explained should there be any information that will affect the department, appropriate adjustments will be made.
7. Public Hearing on Hawaii Administrative Rules. Fire Chief Neves mentioned that new administrative rules have been adopted and these rules deals with the licensing and inspection of fire protection systems.

The Fire Chief also reported on the following:

1. There was one complementary correspondence and no negative correspondence for the month of March.
2. Chief Neves had each member of the executive staff give a brief description of their sections recent activities.

Deputy Fire Chief Lionel Camara Jr.- Chief Camara went over the proposed operating budget of \$135,099,328.00 and a proposed cut of \$800,833.00, of which the department recovered \$630,833.00. Chief Camara went over proposed station improvements of \$2 million, and noted that Chair Martin had added another \$2 million.

Assistant Fire Chief Scott Lawton- Administration. Chief Lawton highlighted another safety program called Work Site Safety Program Standard Operating Guideline, an approach to ensure that work sites are safe based on federal, state, and nfpa regulations and standards. Chief Lawton went over the tiers, the first being the worksite supervisor, second the Battalion Chief who conducts an inspection of the worksite every quarter, and third OSHA who inspects every

worksite in the departments including occupational safety programs, building grounds, electrical systems, PB, chemical, fume sites, and fire prevention inspections at stations.

Commissioner Hong asked about underground storage tanks. Chief Lawton mentioned that the department is working to phase it out and the department currently looking at single wall construction tanks then double wall construction tanks. Chief Lawton indicated that having it above ground would be easier to maintain and inspect. Commissioner Hong asked if there is a deadline. Chief Lawton mention that there is no deadline but the department recently discovered a leak at Station 8 and it will be shut down and replaced with an above ground tank.

Commissioner Nekota asked how does the department dispose of it. Chief Lawton mentioned that the department works with the State Department of Health to determine if it should be dug up or fill with material.

Assistant Fire Chief Socrates Bratakos- Support Services. Chief Bratakos spoke about the new 45 recruits and mentioned that 3 are female and it will be 8 months of training before graduation. Chief Bratakos indicated that they are currently learning about rules and regulations, hazardous materials, rescues, surface water, and fire prevention.

Fire Chief Neves mentioned that the department is planning to hire the next group this coming August.

Chair Wataru asked when will the next test be. Fire Chief Neves indicated that it's up to the City's Department of Human Resources (DHR), and it could happen sometime this Summer. Commissioner Nekota asked if the department advertises. Fire Chief Neves answered, "Yes, only for a 24 hour period". Commissioner Nekota asked, "Why".

Chief Bratakos explained that many people apply and take the test and DHR provides the department with applicants with passable grades.

Commissioner Nekota asked how many names does the department end up with. Chief Lawton explained that the department will sometimes ask for 3x the target amount, due to the evaluation and elimination process. Chief Lawton explained that during the physical ability test, some of them will pass and some will not show up.

Commissioner Hong asked what is the time frame from announcement to graduation. Chief Neves said about 1 ½ years.

Commissioner Hong asked about a project with the Community Colleges. Chief Neves indicated that it has not been secured but the department is working with DHR to put it together.

Commissioner Young asked how many classes per year. Chief Neves mentioned usually 1 class per year, but currently it has been doubled in anticipation of early retirements.

Chair Wataru asked how many fire fighters came from the mainland. Chief Bratakos mentioned that he didn't know the numbers off hand.

Chair Wataru asked if the agility test is taken once. Chief Lawton indicated that if they don't pass the first time there is a second try that same day and if a candidate doesn't pass then they'll be put on a list. Fire Chief Neves resummarized the agility test and noted that if one fails twice and the department offers it again that candidate will have the option to take it again unless he or she declines.

Assistant Fire Chief Nathan Ramos- Planning and Development. Chief Ramos explained the 2020 accreditation process with the Commission and mentioned the last accreditation was in 2015. Chief Ramos noted that the department is currently completing its 2018 annual compliance reports, which evaluate the department's response programs. Chief Ramos went over the 3 primary working groups with the Commissioners. The first being a self-assessment group, which evaluates the department to see that the department carries out what it is supposed to do; second, standard of cover work which analyzes the department's data with recommendations to the Fire Chief, and third, the strategic plan. Currently the department is developing the 2019 plan.

VII. PRIVATE CITIZENS/PUBLIC COMPLAINT.

Chair Wataru informed Fire Chief Neves that the Commission has received a complaint about discharge form in Nuuanu, and asked him if he is aware of this complaint. Fire Chief Neves answered, "Yes".

Chair Wataru mentioned that the individual felt threatened when he had confronted the fire fighter about discharging foam into Nuuanu stream and asked Fire Chief Neves if the department had conducted a follow-up. Fire Chief Neves indicated that the department did conduct a follow-up with a letter, and the department had conducted its own investigation regarding the individual's behavior and appropriate disciplinary action was taken.

Fire Chief Neves asked Chief Rico to explain the discharging of the foam. Chief Rico mentioned that the report conducted by the Battalion Chief regarding the investigation contradicts what the complainant had described. Chief Rico noted that it was shot onto the lawn area, and the personnel involved was spoken to and appropriate action was taken against that individual.

Fire Chief Neves mentioned that the department has designated training areas for the foam, compressed air foam system (CAFS) except in the event of an emergency.

Chief Rico indicated that personnel wanted to make sure that the CAFS was working properly as there were reports that something might have been wrong with the system. Chief Rico noted that while filling up the truck with water, they decided to test out the truck.

Commissioner Nekota asked if a follow-up letter was sent and if the Commission can get a copy.

Chief Lawton mentioned that the CAFS truck carries brochures in the event someone has concerns regarding the foam.

Chair Wataru asked complaints and why this wasn't brought up to the Commission. Fire Chief Neves mentioned because that was a personnel matter the department decided to take a different route.

Chair Wataru asked if there were any questions regarding the complaint.

VIII. FIRE CAPTAINS PROMOTIONS.

Chair Wataru asked Fire Chief Neves for an update regarding the Captains promotions. Fire Chief Neves mentioned that there is no update as the department has not heard anything from the City regarding the Step 2 decision.

Commissioner Hong mentioned that he and Chair Wataru met with DHR regarding promotion procedures and mentioned that the Fire Chief had requested a new list and wanted to know if the department has received it.

Chief Lawton noted that DHR has provided the department with a list according to the vacancies.

Commissioner Hong mentioned that during the meeting they all agreed that the union and the Fire Chief should get together and utilize names from the old and new lists.

Commissioner Nekota asked the Fire Chief if he could work this out with the union. Fire Chief Neves mentioned that he has an opening every first Monday of the month. Commissioner Nekota recommended a personal one-on-one meeting.

Fire Chief Neves went over the list. Commissioner Nekota expressed her concern regarding the relationship and station visitations and reminded the Fire Chief that both he and the union share the same goals.

Fire Chief Neves mentioned that he has an opening every first Monday of the month and a letter is sent out requesting a formal meeting.

Commissioner Hong asked Chair Wataru not speaking as a Commissioner but as a tax payer that he has a concern regarding over staffing and paying overtime.

Fire Chief Neves mentioned that the problem is getting enough people on the job and the department has conducted a study and during the month of January 2018 89% of the time there were 4/5 staffing on the truck. In addition, in February 2018 it went to 87%, March 2018 was over 90%.

Fire Chief Neves mentioned that the statement of being short is not supported by data and explained that overtime is mandated by collective bargaining and for every Fire fighter II and III and Captain the department has to offer 288 hours of overtime by contract. Fire Chief Neves also noted that if positions cannot be filled by them then Fire Fighters I's are called in.

Commissioner Hong asked what's the cost for Captains based on overtime per hour. Fire Chief Neves asked if anyone could answer the question, no one answered. Commissioner Hong asked Fire Chief Neves to provide the Commission with the overtime cost.

Chair Wataru asked if the minimum staffing is 3. Fire Chief Neves answered, "Yes".

Commissioner Nekota asked if all of them use the 288 hours. Fire Chief Neves indicated around 70% use the overtime.

Commissioner Hong expressed his concern regarding staffing and questioned if the department is properly staff why is overtime being paid. Fire Chief Neves explained that even though it's properly staffed overtime has to be paid because of the contract.

Commissioner Hong asked Chair Wataru if he may be excused. Commissioner Hong excused himself at 2:25 p.m.

IX. EXECUTIVE SESSION- Annual Evaluation of the Fire Chief.

Commissioner Lee moved and Commissioner Nekota seconded that the Commission go into executive session regarding the evaluation of the Fire Chief "to consider the hire, evaluation, dismissal, or discipline of an officer or employer or employee where consideration of matters affecting privacy will be involved" [HRS Sec. 92-5(a)(2)], and to "consult with the board's attorney on questions and issues pertaining to the board's powers, duties, privileges, immunities, and liabilities" with regard to these matters [HRS Sec. 92-5(a)(4)]. The Commission went into Executive Session at 2:26 p.m. and the regular public meeting reconvened at 3:32 p.m.

ANNOUNCEMENT: The next meeting TBD.

ADJOURNMENT: There being no other business the meeting was adjourned at 3:32 p.m.

Respectfully submitted by: Nadine Murata, Secretary.

APPROVED:

JAMES WATARU, Chair