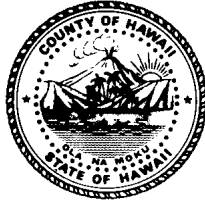


Harry Kim
Mayor



Dixie Kaetsu
Managing Director

Peter L. Hendricks
Deputy Managing
Director

HAWAI'I COUNTY FIRE COMMISSION

C/O 25 Aupuni Street #217, Hilo, Hawai'i 96720
Phone: 961-8316 ; Fax: 933-1521

REGULAR SESSION - MINUTES **March 9, 2005** **Liquor Control Conference Room** **Kona Center Building**

CALL TO ORDER

The meeting was called to order by Commissioner Fergerstrom at 10:00 a.m.

ROLL CALL

PRESENT:

Stephen Bowles
Neil Brazier
Dale Fergerstrom
Rudolph Hart
Karen Maedo
Laura Ward

Excused: Glen Matsuda

A quorum was present.

ALSO PRESENT:

Jodie Amaral
Adele Arraujo
Ray Arraujo
Kaycie Carter
Tom Dawson
Peter Hendricks

Laurie Kaneta
Travis Loop
William Morris
Ramona Nordlof
Desmond Wery, Deputy Fire Chief

Hawai'i County is an Equal Opportunity Provider and Employer

Commissioners: Stephen Bowles, Neil Brazier, Dale Fergerstrom, Rudolph Hart, Karen Maedo,
Glen Matsuda, Laura Ward

STATEMENTS ON AGENDA ITEMS (Open to the Public)

Commissioner Fergstrom thanked Commissioners Laura Ward and Stephen Bowles for their years of support and dedication to the HFC.

APPROVAL OF MINUTES

Commissioner Maedo moved to accept the February 9, 2005, regular and executive session minutes. The motion was seconded by Commissioner Hart and unanimously carried.

APPROVAL OF WRITTEN COMMUNICATIONS

None

CHIEF’S REPORT

Deputy Chief Desmond Wery thanked Commissioners Ward and Bowles for their years of guidance and support to the Hawai'i Fire Department.

Budget

- FY 2005/06: Submitted for County Council review. The program budget will include the following items:

1.	Increase in Equipment Parts Account	\$ 55,000
2.	2 Battalion Chiefs	\$ 133,294
3.	1 Account Clerk	\$ 23,700
4.	Fire Pumper Apparatus (S. Kona)	\$ 490,000
5.	Fire Ladder/Aerial Platform	\$ 850,000
6.	Fire Brush Truck (S. Kona)	\$ 150,000

Total: \$1,701,994

Anticipating an approval of seven Fire Fighter positions for the Ocean View Estates Fire Station. (State funding will include these positions along with the opening of the ambulance service). Currently operating with county funds. Correspondence has been sent to Governor Linda Lingle to find out the status of this issue.

Also, \$240,000 appropriated funds have been approved to replace/repair the Central Fire Station’s roof. Projects Manager Nick AhYo is working with the Department of Public Works on this project.

Capital Improvement Projects and Budget will be heard before the County Council on March 29, 2005, at 1:30 p.m., in the County Council room.

Alternative Funding & Grants

- USFA Grant: On February 18, 2005, received notification for award of Fiscal Year 2004 Assistance to Firefighters Grant application. This involves a purchase of a modular live fire-training trailer which will allow the department to provide live fire training exercises around the island, and will assist with recruit training. The federal portion is \$301,000; county matched with \$129,000. Captain Albert Kaaihili, FEO Mike Hayashida, and Firefighter Keola Payao were instrumental in obtaining this award.
- FY 2005 Assistance to Firefighters Grant period opened on March 7, 2005. FEO Mike Hayashida will be mentoring new grantwriters Captain Gerald Kosaki, Captain Alex Almeida, and Firefighter Neil Yoshioka. Grantwriters are being selected based on their interest. This year's grant team will be researching emission controls for apparatus and stations to reduce or eliminate emission hazards to personnel: Plymo vent (attached to station) or No-smoke (attached to apparatus exhaust system).
- DOT Safe Highways Grant: Radio translucent spineboards bid awarded, this will improve patient care and establish an exchange program with the Aquatics section. Recently contacted vendor for beginning the purchasing process.

Capital Improvement Projects

- Pahoia Fire Station: The Environmental Assessment is in the "public comment" phase until March 11, 2005. The floor plan of a 3-bay fire station submitted by Architects Hawai'i was approved. The construction cost estimate is 3.5 million dollars. Expecting to have this station design as a "boilerplate" for future stations.
- Fire Administration and Support Facility: Mayor Kim approved the Mohouli site and a request was made with Mr. Harry Yada, DLNR - Land Division, to begin processing an executive order for the state to turn over the land to the county. The DLNR Board will consider this request at its upcoming meeting scheduled for March 11, 2005.
- Kalaoa Fire Station: The developer requested the department's assistance to petition the State's Department of Transportation to reduce the highway posted speed limit from 45MPH to 35MPH. This will solve a "line of sight" problem that has arisen at the planned entrance point onto the highway. Both HFD and HPD have submitted letters requesting a speed change. This issue must be resolved prior to any additional design work.
- Central Fire Station: Received approval from the Department of Public Works to acquire and dedicate approximately two acres of the Lanakila Housing area (located on the corner of Wailoa Street and Ululani Street). Met with Executive Director Kevin Funasaki from HCDCH who handles the Lanakila Housing project. He is in agreement with moving this project forward and will revise their master plan for the area. This will include

seeking Federal Housing and Urban Development approval. The estimated construction cost is 3.5 million dollars.

Commissioner Brazier asked if the Pahoa Fire Station's parcel would include a Police Station.

Deputy Chief Wery answered that the HPD plans to move their substation to part of the lot.

Promotions and Hiring

- FEO Promotions/Assessment Center: A total of 22 Fire Equipment Operators were promoted on February 16, 2005.
- Fire Fighter Recruit Hiring: Candidates are currently in the pre-employment medical screening phase. The 32nd Recruit class is tentatively scheduled for hire on April 18, 2005. The next recruit class will follow in August or September.

The 30th Recruit Class will complete its probation period on March 16, 2005. They will be assigned to fill vacancies created by promotions. The upcoming recruit classes will be hired for new positions created by the council; 15 for Kalaoa Fire Station, 15 for Volcano Fire Station, and 12 for the one-man Fire Stations.

Commissioner Bowles questioned if the HFD was considering the upcoming retirements.

Deputy Chief Wery said they were expecting 10-12 retirees this year.

Regarding recruitment, Commissioner Fergerstrom asked if there were many applicants.

Deputy Chief Wery stated that out of 600 applicants, 200 - 300 applicants passed the test, the top 100 were given an agility test, the HFD interviewed 68 – 70, and will proceed to select 40 recruits, 20 for each upcoming classes.

Commissioner Brazier asked how the selection committee was set up.

Deputy Chief Wery answered that the committee consists of the same personnel, who are Fire Captains and Fire Battalion Chiefs.

- Fire Radio Dispatch I Hiring: Interviews were held between February 14 – 16, 2005. Six dispatchers will be hired on March 16, 2005.

Operations Division

- Ocean View Fire Station: A written inquiry was sent to Governor Lingle's Office to inquire on the status of state funding.
- National Fire Academy: FEO Joseph Farias is scheduled to attend Developing Fire and Life Safety Strategies to be held March 14-25, 2005.
- Firefighting in Wildland Urban Interface: Between February 14-18, 2005, six personnel attended one week training sponsored by the Department of Land and Natural Resources.
- NFA Incident Safety Officer: A total of 33 firefighters attended training in Hilo on March 3 and 4, 2005.

Prevention Division

- FEST Seminar: Inspector Jack Pacleb is coordinating a Fireworks Education and Safety Training seminar scheduled for May 2-6, 2005.
- Fire Alarm Seminar 2005: On February 15, 2005, a total of 20 members attended a one-day seminar sponsored by Alert Alarm.

Training Division

- 31st Recruit Class Update: Presently assigned to various stations. EMT Training is scheduled to begin on March 21, 2005. Meetings were held on February 23 and 24, 2005. This is the first class that will have medical tutorial terminology books to assist them in learning medical terminology.

Volunteer Division

- No New Updates

Emergency Medical Service Division

- MICT Class Update: EMS Instructor James Gray will be transitioning the students to an Oahu instructor so that he may continue to support the EMT class in Hilo. The students will be going to Oahu in April.
- Medical Director Contracts: Currently updating the Medical Director's duties. The HFD is incorporating two Medical Directors to share duties, one for each side of the island. Working with two physicians (Dr. McDowell at Kona Emergency Room and Dr. Fineberg at Hilo Medical Center).

Fire Auxiliary Services

- No New Updates

New Projects/Business

- Fire Science 151 and 152 Classes: A total of 61 personnel attended and completed their classes held at the Hawai'i Community College. The Hawai'i Community College and Kapiolani Community College were impressed with the support received from the HFD's personnel and administration. There is a need to extend this program to West Hawai'i.

The department will be seeking instructors and researching the possibility of having online programs.

- Media Relations Classes: Dr. Stephen Miura from the University of Hawai'i will be conducting three classes for Division Heads. The first class was held on March 8, 2005. Dr. Miura will be making an assessment to guide him with the needs of the department.
- 2005 Legislative Session: A proposal was submitted for House Bill 518, to seek funding for a dedicated EMS crew helicopter at Mauna Lani Fire Station. Asking to consider funding from January 2006. Letters were sent to the Legislators throughout the island asking for support. It was explained to them that while the helicopter is stationed at Mauna Lani Fire Station it would encompass the entire island. Responses have been positive.
- Hawai'i Fire Chief's Association Conference: Conference to be held at the Fairmont Orchid, November 17 through 20, 2005. Senator Daniel Inouye will be the guest speaker. The HFD is encouraging participation from all members of the Fire Department. The theme for this event will be "Training for the Future."

Employee/Public Relations

- American Heart Association's Hawai'i Heart Walk 2005: Held on February 12, 2005. Raised \$425. Participation included 28 employees and families, and 11 monetary contributions.
- 3rd Annual Employee Awards and Recognition Dinner: To be held on April 9, 2005, at the Hawai'i Naniloa Hotel's, Crown Room. Former retirees and volunteers will be invited.
- Fire Department Newsletter: Communications and Relations Strategic Planning Committee will be disseminating a quarterly newsletter. This will improve communications within the department.

Commissioner Hart asked when the Laupahoehoe station would be a two-man station.

Deputy Chief Wery answered that the HFD was hoping to implement this with the 30th Recruit class. Due to the recent Fire Equipment Operator's promotions it will possibly occur with the 31st Recruit class graduating in August. The HFD is also considering overtime because of this critical need.

UNFINISHED BUSINESS

- HFC Complaint Procedures – changes and suggestions.

Deputy Corporation Counsel Noda stated that she would draft a revision if the commission chooses to make HFC rule nine more specific regarding addressing complaints from the public.

Commissioner Fergerstrom asked what the issue was regarding HFC rule nine.

Deputy Corporation Counsel Noda stated that when a complaint is made, the HFC should consider if they want to have an independent investigation or rely on the Chief's internal investigation.

Commissioner Fergerstrom asked all commissioners if there were any concerns regarding this issue.

Commissioner Fergerstrom stated that his concern was that nothing gets eliminated. Sometimes an outside investigator would be appropriate and other times the Chief's investigation is sufficient. He would like the HFC to have both options.

Commissioner Maedo stated that the complaint form does allow these options. The commission needs to prevent any infringement upon the administration's duties and the firefighter's contract. The existing form allows the latitude that is needed. She does not understand why this is an issue.

Commissioner Brazier stated that the commission should have "flexibility".

Deputy Corporation Counsel Noda stated that she wants the commission to know that this rule is very broad. They may choose to leave it the way it is. She also wanted to bring to light that the commission does not have the budget set up for an independent investigator. If the commission wants her to research this process, she would check with the Police Commission, which does have an independent investigator.

Commissioner Maedo clarified that this issue is regarding the HFC's procedure and not any specific incident.

Commissioner Fergerstrom stated that there might come a time that the commission requires an independent investigator. He would not want the commission to be confined to only having an external investigation.

Commissioner Ward stated that the HFC is different from the HPC. If an incident occurred and the HFD's internal investigation was unable to handle it, there would be a police investigation. The HFC should not take responsibility of a private investigation. Any investigation should be left with the Fire Department.

Commissioner Fergerstrom commented that the police department would only be involved with criminal investigations. The police department is not responsible for any departmental violations.

Commissioner Ward stated that the HFC does not have the authority to take that power away from the administration. The HFC cannot mandate how the HFD handles investigations and disciplinary issues.

Commissioner Fergerstrom asked Deputy Corporation Counsel Noda if the commission was allowed to obtain an investigator.

Deputy Corporation Counsel Noda stated that the rules do not prevent the commission, but there was not present funding for it.

Commissioner Fergerstrom asked if an incident occurred, what avenues should be taken to obtain these funds.

Deputy Corporation Counsel Noda stated that she would research this and report her finding at next month's meeting.

Commissioner Hart asked if he and Commissioner Bowles could do their presentation regarding the Budget and Finance placed under Committee Reports on the agenda towards the end of the meeting.

Commissioner Fergerstrom moved to place the Committee reports to the back of the agenda.

Investigation and Deliberation of Complaints

- **HFC Complaint No. 04-03A:**

Commissioner Fergerstrom mentioned that HFC complaint 04-03A was deferred from the last meeting to offer the accused firefighters the opportunity to respond.

Commissioner Fergerstrom asked HFC Secretary Kaycie Carter if the accused firefighters were sent notification of the present hearing.

Kaycie Carter replied that each firefighter was notified by certified mail.

Commissioner Fergerstrom asked if there was any response.

Kaycie Carter answered that there was no response.

Commissioner Ward asked the Arraujo Family if they wished to make a statement.

Mrs. Adele Arraujo commented that she wanted to receive an explanation on why her family was treated this way. They drove a long distance and are shocked to find that these firefighters have not responded. She does not

understand why they would not respond to the complaint. “Do they think they did nothing wrong?”

Mr. Ray Arraujo stated that he recently went to the doctor and required the need of paramedics. Ironically, the accused individuals were the crew who arrived. For reasons unknown, the firefighter who made the rude comment could not administer an I.V. to him.

Mrs. Arraujo stated that she was apprehensive of this individual taking care of her husband, but her husband’s health needed to come first.

Commissioner Fergerstrom explained that the HFC would deliberate and make their decision based on the facts that were presented. The decision is whether the complaint needs to be referred to Chief Oliveira for further investigation. If it were referred to Chief Oliveira, he would take appropriate actions. The commission is limited to its involvement.

Commissioner Fergerstrom asked Deputy Corporation Counsel Noda if the HFC was within the scope of the law to get feedback on what resolutions will be made once the complaint has been referred to the Fire Chief.

Deputy Corporation Counsel Noda stated that the only feedback the HFC could receive would be if appropriate actions were taken.

Commissioner Fergerstrom stated that the HFC would request the administration for a follow up and would deliberate a decision.

Commissioner Brazier clarified that the commission can only make recommendations to the administration and cannot enforce any disciplinary actions.

Mr. Arraujo asked why he was asked to be present.

Commissioner Ward explained that when the HFC receives a complaint from a citizen, the commission is required to notify the offenders. At the last meeting, it was apparent that all of the on-duty had not been informed. For this reason, it was carried over to the next meeting, so that all the offenders could be offered an option to appear and make a statement. They obviously chose not to appear, but that does not stop the commission from finishing the complaint.

Commissioner Ward motioned to accept the complaint for further investigation. There was sufficient evidence to support the allegation. The HFC will request the Fire Chief to continue with further investigation.

Mr. Arraujo commented that the commission already came to that conclusion at the last meeting.

Commissioner Ward stated that the HFC did not come to a conclusion at the last meeting. The complaint was not worded properly. The conclusion was that the complaint would be against the entire shift.

The motion was seconded by Commissioner Maedo and unanimously carried.

Commissioner Fergerstrom advised the Arraujo Family that this issue would be forwarded to the Fire Chief for further investigation and the administration will deal with any disciplinary action. By law, the Hawai'i Fire Commission is not authorized to get any details back.

The Arraujo Family asked if they would receive some type of response regarding this issue.

Deputy Corporation Counsel Noda asked Deputy Chief Wery if the HFD would be following up with the Arraujo Family.

Deputy Chief Wery confirmed that the HFD would be sending a written correspondence to the Arraujo family regarding their investigation.

Mr. Arraujo asked why it was necessary for he and his family to be present today.

Commissioner Ward explained that there was a possibility that the accused firefighters would be attending the meeting. Mrs. Arraujo stated at the previous meeting that she wanted an opportunity to meet with them.

Commissioner Brazier advised that both complainants and accused personnel were sent the same notification to appear.

Commissioner Ward clarified that the complaint was not finished. The HFC has recommended that it be further investigated with the HFD.

Commissioner Fergerstrom assured the Arraujo Family that the HFC has not taken their complaint lightly. They have taken this very seriously and that is why they needed to follow all the necessary legalities.

Mrs. Arraujo suggested that the Hawai'i Fire Department should stress these matters to the new recruits.

Deputy Chief Wery replied that the department does stress to all personnel that it is their duty to serve the public. But the administration has to rely on the personnel to "walk the walk" when they are out in the field.

Commissioner Brazier expressed to the Arraujo Family that as uncomfortable and painful as this issue has been for them, they did the right thing by coming forward.

Commissioner Fergerstrom reassured the Arraujo Family that Deputy Chief Wery has made a commitment that they will be notified.

COMMITTEE REPORTS

Budget & Finance (Bowles/Hart)

- Commissioner Hart and Commissioner Bowles presented their Budget Review and Projections report (SEE ATTACHMENT "A").

Commissioner Bowles is concerned that as the commission evolves and new members are appointed, they would not have the same perspective as the current members. There is a need to keep a close communication with the Fire Chief and the administration.

Commissioner Hart thanked Commissioner Bowles for all his expertise and effort he put into this report. He was impressed and hopes to keep up with what Commissioner Bowles started. He suggested a workshop to educate the commission on how to keep up with this plan.

Commissioner Fergerstrom asked Deputy Corporation Counsel Noda if a workshop would be considered an additional meeting.

Deputy Corporation Counsel Noda responded that it would because the meeting would be a discussion of the budget and it affects the commission.

Commissioner Hart mentioned that the discussion would not violate the "Hawai'i Sunshine Law," because the HFC would not be voting.

Commissioner Fergerstrom asked if a workshop would be a violation with the Office of Information Practices.

Commissioner Maedo commented that the workshop would only be an informational workshop.

Deputy Corporation Counsel Noda stated that a workshop would be discussing issues that would be on future agendas. This may affect how the commission votes on future agenda items. Therefore, this would be considered a meeting.

Commissioner Fergerstrom asked if the HFC would be able to have more than one meeting.

Deputy Corporation Counsel Noda answered that they could.

Commissioner Maedo asked Commissioner Bowles if he would be able to provide input to the County Council on behalf of the Hawai'i Fire Commission on March 29, 2005.

Commissioner Bowles agreed to do so.

Commissioner Fergerstrom suggested that the HFC should wait for the new members to come in and then schedule a workshop.

The HFC was concerned with the vacancies on the Hawai'i Fire Commission.

Deputy Corporation Counsel Noda stated that there were three individuals who will be going before the County Council on March 16, 2005.

Office Management and Staffing (Ferberstrom) None

Rules and Policies (Maedo) None

Public Relations (Ward)

- Sayre Foundation Dinner Sept. 17, 2005. Invitations will be sent to the HFC.
- Kona Hospital Advisory Board's request for a representative from the HFD.

Deputy Chief Wery asked if this representative should be from Kona.

Commissioner Ward answered that it was not necessary.

Deputy Chief Wery advised that he would check into it.

PUBLIC STATEMENTS

Commissioner Fergerstrom presented a Certificate of Appreciation from the Mayor's Office to both outgoing charter members Laura Ward and Stephen Bowles for their valuable years of service.

ANNOUNCEMENTS

- The next meeting is to be held on Wednesday, April 13, 2005, at 10:00 a.m., in the Liquor Control Conference Room, Hilo Lagoon Centre, Hilo, Hawai'i.
- Set agenda for April 13, 2005 meeting.
 - HFC Complaint procedures – budget for an independent investigator.

ADJOURNMENT

Meeting was adjourned at 11:40 a.m.

SUBMITTED BY:

KAYCIE A. I. CARTER
Secretary