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KIRK CALDWELL  
MAYOR

ROY K. AMEMIYA, JR.  
MANAGING DIRECTOR

GEORGETTE T. DEEMER  
DEPUTY MANAGING DIRECTOR

February 16, 2018

Mr. Kevin Sakamoto, Chair  
and Members of the Salary Commission  
City and County of Honolulu  
530 S. King Street  
Honolulu, Hawaii 96813

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CITY COUNCIL  
HONOLULU, HAWAII

Dear Chair Sakamoto and Commissioners:

I am submitting this letter on behalf of Mayor Caldwell in support of the request of the Department of Human Resources' ("DHR") to increase the salary of the Corporation Counsel to match that of the Prosecuting Attorney, which will ensure fair, equitable and competitive salaries for the Deputies Corporation Counsel ("**COR Deputies**") in the Department of the Corporation Counsel ("**COR**"), especially the most experienced COR Deputies, so as to provide the City and County of Honolulu ("**City**") with the best qualified and knowledgeable legal advisors, within the fiscal constraints of the City.

This request is founded on the need to retain not only the COR Deputies who have 20-50+ years of relevant legal experience and who comprise the management and leadership team for COR, but the COR Deputies who are at mid-levels of experience as well. Retaining COR Deputies with mid-level experience is necessary to ensure the continuity, stability, experience and unique municipal government expertise within COR and to properly serve the legal needs of the City notwithstanding changes in the executive and legislative branches of the City. This is especially important as the more experienced COR Deputies retire.

Since the COR Deputies' salaries are capped at the level of the Corporation Counsel's salary, in order to appropriately increase the more experienced COR Deputies' salaries commensurate with their years of relevant legal experience, the salary of the Corporation Counsel must be increased to raise the salary ceiling and to avoid the inversion that may result from having the highest earning COR Deputy earning a salary higher than that of the Corporation Counsel.

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### Historical Salaries of Prosecuting Attorney and Corporation Counsel

Attached is a comparison of the salaries of the Prosecuting Attorney and the Corporation Counsel for historical context only, and certainly not for the purpose of affecting the salaries of the Prosecuting Attorney or the hard-working Deputies in the Department of the Prosecuting Attorney ("PAT").

In 2005 (for FY06), the salaries of the Prosecuting Attorney and the Corporation Counsel were equal with both officers receiving \$104,797.

In 2006 (for FY07), the Commission recommended salary increases to \$108,370 for the Prosecuting Attorney (a 3.41% increase), and \$107,850 for the Corporation Counsel and other department heads; a slight difference (a 2.91% increase). In its findings, the Commission did not explain the separation of the Prosecuting Attorney's salary from the salary of other department heads, and a review the Commission meeting minutes do not reflect any testimony, written or oral, from PAT or COR.

In 2007 (for FY08) and 2008 (for FY09), the Prosecuting Attorney received a 9.47% increase while the Corporation Counsel received a 4.5% increase.

During the economic downturn years of 2008 through 2010, there were no increases for the Prosecuting Attorney and the Corporation Counsel; however, the salary of the COR Deputies with no relevant legal experience was increased in 2009. From 2009 through 2012, the range of salaries for PAT Deputies and COR Deputies did not increase.

In FY16, the Prosecuting Attorney's salary differed from that of the Corporation Counsel by \$8,520, and in FY17, the difference was \$8,952.

Last year, the 2017 Salary Commission determined that the salaries of the COR Deputies for FY18 should be within the range of \$69,816 to \$154,728, which is the salary of the Corporation Counsel, whereas the Prosecuting Attorney made \$164,136. The differential is 6.08% or \$9,408.

The historical comparison of the salaries of PAT and COR is attached as Exhibit A to this letter, for the Commission's ease of reference.

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### Request

We respectfully request that the salary of the Corporation Counsel match that given to the Prosecuting Attorney so that the salaries of the most experienced Deputies COR can be increased to a level that is commensurate with the value they contribute to the City.

### Salaries Competitive with the Private Sector and Other Government Agencies are Essential for Retention and Recruitment of COR Deputies

The Corporation Counsel reports that COR Deputies who were with COR from 2008 through 2012, during the economic downturn, received depressed salaries, and this has contributed to retention and recruiting challenges.

Notwithstanding the efforts made since 2013 to elevate the salaries of the COR Deputies, many have been affirmatively recruited by other state and city agencies (for both legal and business positions), and some have left COR for higher paying jobs. Of greatest concern to me is that, since 2016 and very recently, experienced COR Deputies left COR for jobs with other government agencies that are paying approximately 20% - 25% more than the salaries they receive at COR. With a salary of \$100,000 at COR, the extra \$20,000 - \$25,000 is meaningful.

COR serves the legal needs of the Mayor and all of the City's departments and agencies. It also serves as legal counsel to the City's legislative branch, all of the City's boards and commissions, and the City's two semi-autonomous agencies: the Honolulu Authority for Rapid Transportation and the Board of Water Supply.

Your approval of this request to increase the salary of the Corporation Counsel in FY19 to match the salary of the Prosecuting Attorney in FY19, would allow the Corporation Counsel to increase the salaries of the most experienced COR Deputies to reflect their continuing valuable contributions to the City and, importantly, to minimize the large salary increase as the reason for leaving COR.

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Conclusion

In order to fairly compensate and to recruit and retain attorneys who can provide the highest level of legal services to the City most cost-effectively, on behalf of Mayor Caldwell, we respectfully request that you approve of this request, which will allow the Corporation Counsel to compensate the COR Deputies at levels that truly reflect their value. The people of this City, and COR in particular, are extremely fortunate to have the experience, knowledge and loyalty of these dedicated COR Deputies, and we respectfully ask for your support of these requests. Thank you for your consideration.

Very truly yours,

  
Gary T. Kurokawa  
Chief of Staff

Attachment: Exhibit A

cc: Corporation Counsel Donna Y. L. Leong  
Department of Human Resources

**Salaries of Prosecuting Attorney and Corporation Counsel**

2004 - 2017 [1]

	2004	2005	2006[2]	2007[3]	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
<b>Prosecuting Attorney</b>	104,797	104,797	108,370	118,635	129,312	129,312	129,312	129,312	129,312[4]	134,496	145,248	148,872	156,312	164,136
<b>Corporation Counsel</b>	104,797	104,797	107,850	112,704	118,344	118,344	118,344	118,344	121,894	126,768	136,920	140,352	147,360	154,728

[1] Year refers to year Salary Commission met and made its recommendation. Salary takes effect during the next fiscal year.

[2] Corporation Counsel included with salary of other Department Heads. First Deputy PAT and First Deputy COR included with salary of Deputy Department Heads. Prosecuting Attorney not included with Department Heads.

[3] Corporation Counsel and First Deputy COR included with salary of Department Heads and Deputy Department Heads. Prosecuting Attorney and First Deputy PAT not included in salary of Deputy Department Heads.

[4] At the request of the Prosecuting Attorney, Salary Commission recommended a 3% salary increase (\$133,191). Council rejected the pay increase for Prosecuting Attorney. Reso. 12-122

