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Director of Council Services
David M. Raatz, Jr., Esq.

Deputy Director of Council Services
Richelle K. Kawasaki, Esq.

COUNTY COUNCIL

COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

March 19, 2024

Ms. Victoria Takayesu, Corporation Counsel
Department of the Corporation Counsel
County of Maui
Wailuku, Hawaii 96793

Dear Ms. Takayesu:

SUBJECT: FISCAL YEAR ("FY") 2025 BUDGET (BFED-1) (CC-1)

May I please request you submit your response to the following questions by **March 28, 2024**. This will enable the Committee to comprehensively review the FY 2025 Budget.

1. Please outline the major changes in your Department's budget from FY 2024 to FY 2025.
 - a. Explain any budget changes made because of the August 2023 wildfires.
 - b. If your budget will decrease, how will this impact your Department's operations and ability to serve the public?
2. How many vacant positions currently exist within your Department?
 - a. Please include the job titles for the vacancies and indicate how long the positions have been vacant.
 - b. What is the anticipated timeline for filling these vacancies?
 - c. What are the consequences, if any, for removing funding for these vacant positions from the FY 2025 Budget?

3. If your Department had expansion positions in the FY 2024 Budget, how many of those positions were filled? If they have not been filled, are they included in the FY 2025 Budget? How many months of funding are being requested?
4. If your Department is proposing expansion positions in the FY 2025 Budget, how do you plan to fill those positions?
5. How many positions were filled in FY 2024 that were not expansion positions?
6. How did your Department recruit to fill vacancies and what were the most effective methods for attracting candidates?
7. The following questions are related to overtime payments:
 - a. How much in overtime has been paid to date in FY 2024 and what was the reason for the overtime?
 - b. Were any of these overtime costs attributed to the number of vacant positions in your Department?
 - c. Do you anticipate that overtime costs in FY 2025 will increase or decrease and what are the reasons for your assumption?
8. The following questions are related to your Department's program and activities:
 - a. Identify the programs and activities conducted by your Department because of a Federal or State mandate. Indicate the amount of Federal or State funding the County receives for each program or activity, including how much for each the County expends.
 - b. Identify the programs and activities conducted solely because of a Maui County Code mandate and indicate the amount for each the County expends.
9. If your Department had Capital Improvement Projects ("CIPs") in FY 2024:

- a. Provide the current status of each CIP project, if different from the information provided in the Fiscal Year 2024 2nd Quarter CIP Report.
 - b. Provide information on how much funding has been encumbered or expended to date for each project.
10. If your Department has proposed CIPs for FY 2025:
 - a. Rank your proposed CIPs, by priority.
 - b. Will CIP funding included in the FY 2025 Budget be encumbered by June 30, 2025? If not, how much do you anticipate will be encumbered by that date?
11. If your Department manages a revolving fund:
 - a. Explain whether the revolving fund is still needed and why.
 - b. Provide the current balance.
12. If your Department manages grants:
 - a. For each grant line item not designated for a specific recipient (e.g., Small Business Promotion; Youth Programs), provide a breakdown of the grants that will be funded by the line item.
 - b. Provide a breakdown of all grants that will be funded by your Department under Subobject Code 6317, County grant subsidy.
13. Provide details on your Department's Carryover/Savings that were included in the FY 2025 Budget.
14. What are your top three Department priorities for FY 2025 and how does your Department's budget reflect that?
15. Did your Department apply for any grant funding in FY 2024? If yes, how much in funding was received?
16. How much has your Department spent on Professional Services in FY 2024, and what projects and consultants were funded under this line item?

Ms. Victoria Takayesu

March 19, 2024

Page 4

17. How much of your Department's expenditures in FY 2024 will be reimbursed by the Federal Emergency Management Agency in relation to the wildfires? What amount of FY 2025 expenditures are expected to be reimbursed?
18. Provide a list of equipment, locations, and structures used or managed by your Department that was destroyed in the wildfires. Explain for each whether your Department plans to repair or replace it. If it will be repaired or replaced, provide the estimated cost and timeline for the repair or replacement.

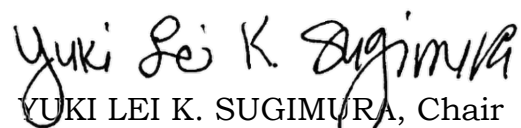
The Department is scheduled to present before the Committee on April 9, 2024. The schedule is subject to change and Committee staff will reach out if there are any changes to the schedule.

Please be prepared to provide a ten-minute presentation on the changes in your Department's budget from FY 2024 to FY 2025, addressing the following:

- Operations
- CIPs
- Grants awarded by the Department, if any
- Grants received by the Department, if any
- Revolving funds
- Rates and fees, including any estimated increase or decrease in revenue as a result of the changes

Thank you for your attention to this request. Should you have any questions, please contact me or the Committee staff (James Krueger at ext. 7761, Kasie Apo Takayama at ext. 7665, or Yvette Bouthillier at ext. 7758).

Sincerely,



YUKI LEI K. SUGIMURA, Chair
Budget, Finance, and Economic
Development Committee

bfed:2025bgt:240315altr01:jgk

cc: Mayor Richard T. Bissen, Jr.
Budget Director

BFED Committee

From: BFED Committee
Sent: Tuesday, March 19, 2024 6:15 PM
To: Victoria Takayesu-Hamilton
Cc: BFED Committee; mimi.desjardins@co.maui.hi.us; Tabitha Martins; Michelle Santos; Zeke Kalua; Maria Zielinski; Lesley Milner; Kristina Cabbat
Subject: PLEASE READ attached letter re: FISCAL YEAR ("FY") 2025 BUDGET (BFED 1) (CC-1); reply by 03/28/2024
Attachments: 240319acc01.pdf

Ms. Takayesu: Please refer to the attached letter from the Budget, Finance, and Economic Development (BFED) Committee Chair, dated March 19, 2024. Please respond by **March 28, 2024**.

Mayor's Office (attention: Michelle Santos and Zeke Kalua): Please forward the attached letter to Mayor Bissen for his information.

Ms. Zielinski: FYI

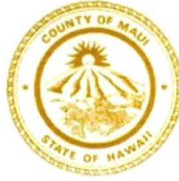
Thank you,
Yvette Bouthillier, Secretary
BFED Committee

RICHARD T. BISSEN, JR.
Mayor

VICTORIA J. TAKAYESU
Corporation Counsel

MIMI DESJARDINS
First Deputy

LYDIA A. TODA
Risk Management Officer



DEPARTMENT OF THE CORPORATION COUNSEL
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WAILUKU, MAUI, HAWAII 96793
EMAIL: CORPCOUN@MAUICOUNTY.GOV
TELEPHONE: (808)270-7740

March 28, 2024

Honorable Richard T. Bissen, Jr., Mayor
Office of the Mayor, County of Maui
200 S. High Street
Wailuku, Hawaii 96793

Lesley Milner, Acting Budget Director
200 S. High Street
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL

Richard T. Bissen 3-28-24
Mayor Date

FOR TRANSMITTAL TO:

Yuki Lei K. Sugimura, Chair
and Council Members
Budget, Finance, and Economic
Development Committee
200 S. High Street
Wailuku, Hawaii 96793

SUBJECT: FISCAL YEAR ("FY) 2025 BUDGET (BFED-1) (CC-1)

Dear Chair Sugimura, Vice-Chair Kama, and Council members, below please find the responses of the Department of the Corporation Counsel to the Budget, Finance, and Economic Development Committee's memo dated 3/19/2024.

QUESTION No.	RESPONSE
1. Please outline the major changes in your Department's budget	<ul style="list-style-type: none"> • 4 expansion positions • Increase in overtime

<p>from FY2024 to FY2025</p>	<ul style="list-style-type: none"> • Funding for communication services and an eDiscovery platform • Increase in travel for wildfire litigation • Equipment funds for Risk Division’s move to the David Trask building
<p>1a. Explain any budget changes made because of the August 2023 wildfires.</p>	<ul style="list-style-type: none"> • We are proposing expansion positions for a Deputy Corporation Counsel and a Worker’s Compensation Safety Specialist, specifically due to the continued increase of wildfire litigation, wildfire related departmental assignments, including UIPA, and anticipated future worker’s compensation claims. • We are proposing an expansion position for Investigator V. We have been assisting the various departments with a large number of personnel investigations that our sole investigator is being requested to assist on. We also have a proactive Board of Ethics that are taking a more active role in pursuing complaints that require investigations. • We are proposing an expansion position for a Secretary II. Also related to our work with the Board of Ethics, we need to have a dedicated secretary position because the work of the Board has grown tremendously with the new online ability for filing financial disclosures, complaints, and requests for advisory opinions. We currently do not have a position we can dedicate to that task. With a secretary position, that person can take on fulfilling the needs of the Board and on any downtime, assist in other clerical duties. • We are seeking an increase in overtime due to current bargaining unit staff having to work longer hours because of the increase in workloads. • We are seeking \$90,000 for initial costs to obtain an eDiscovery platform which the courts have required with regard to discovery in the wildfire litigation matters. • We are seeking \$10,000 for a professional media company to assist with communication services relating to wildfire media releases as needed.
<p>1b. If your budget will decrease, how will this</p>	<p>N/A</p>

<p>impact your Department's operations and ability to serve the public.</p>	
<p>2. How many vacant positions currently exist within your Department?</p>	<p>We have 4 vacant positions.</p>
<p>2a. Please include the job titles for the vacancies and indicate how long the positions have been vacant.</p>	<ul style="list-style-type: none"> • Law Technician I –January, 2023 (Incumbent has Return Rights) • Law Technician II – October, 2023 • Deputy Corporation Counsel – September, 2022 • Internship Law Clerk – January, 2024
<p>2b. What is the timeline for filling these vacancies?</p>	<ul style="list-style-type: none"> • Law Technician I –January, 2023 – Return Rights - currently recruiting. • Law Technician II – October, 2023 - currently recruiting • Deputy Corporation Counsel – September, 2022 (position will be filled by a current Law Clerk after obtaining Hawaii Bar license.) • Internship Law Clerk – January, 2024 - (Currently recruiting intern)
<p>2c. What are the consequences, if any, for removing funding for these vacant positions from the FY 2025 budget?</p>	<p>Overwhelming current staff more than they already are; low morale; higher risk of missing crucial deadlines; diminished quality and quantity of work product; increasing amounts of overtime.</p>
<p>3. If your Department had expansion positions in the FY2024 Budget, how many of those</p>	<p>In FY2024 we had 1 Paralegal expansion position and 4 Internship Law Clerk positions (2 paid and 2 unpaid). The Paralegal position was filled in October 2023.</p>

<p>positions were filled? If they have not been filled, are they included in the FY2025 Budget? How many months of funding are being requested?</p>	<p>One Law Clerk position is filled by an attorney licensed in another state pending a Hawaii bar examination.</p> <p>Two Internship Law Clerks have accepted offers for summer internships.</p>
<p>4. If your Department is proposing expansion positions in the FY 2025 Budget, how do you plan to fill those positions.</p>	<p>We have been successful in our recruitment efforts, including word of mouth and paid advertising. We are also investigating incentive hiring. With regard to civil service positions, recruitment must be done through DPS, which has been mostly unsuccessful due to a lack of applicants.</p>
<p>5. How many positions were filled in FY2024 that were not expansion positions?</p>	<ul style="list-style-type: none"> • 5 Deputy Corporation Counsel • 1 – Loss Control Specialist – (Due to incumbent’s retirement) • 1 Investigator (Due to incumbent’s retirement) • 2 Law Technician I
<p>6. In what ways did the Department recruit to fill vacancies and what were the most effective methods for attracting candidates?</p>	<p>Word of mouth, and advertisement. Paid advertisement specifically with the Hawaii Bar Journal and through the HSBA Career Center. For civil service positions we have also reached out to UH Maui College, but permanent hires must be done through DPS and meet minimum qualifications. Generally, there has been a lack of applicants.</p>
<p>7a. How much in overtime has been paid to date in FY2024 and what was the reason for the overtime?</p>	<p>\$19,212.00 (Largely due to increased workloads of staff.)</p>

<p>7b. Were any of these overtime costs attributed to the number of vacant positions in your Department?</p>	<p>Vacancies played a part, but the overtime costs are not entirely attributable to vacant positions. Increased workloads play a large part.</p>
<p>7c. Do you anticipate that overtime costs in FY2025 will increase or decrease and what are the reasons for your assumption?</p>	<p>The wildfire litigation filings and various wildfire departmental assignments continue to increase. We believe overtime will likely increase and we have requested additional overtime funds for FY2025.</p>
<p>8a. Identify the programs and activities conducted by your Department because of a Federal or State mandate. Indicate the amount of Federal or State funding the County receives for each program or activity, including how much for each the County expends.</p>	<p>None</p>
<p>8b. Identify the programs and activities conducted solely because of a Maui County Code mandate and indicate the amount for each the County expends.</p>	<p>None</p>

<p>9. Capital Improvement (CIP) in FY2024</p>	<p>The Department did not have any CIP in FY2024 per se, however, the Department did seek out fee proposals via a QBS Consultant Selection list Q-PW-23-33 for Design Services for a Kalana O Maui 3rd Floor Security Door.</p>
<p>10. Proposed CIPs for FY2025</p>	<p>The Department does not have any proposed CIPs in its FY2025 proposed budget, however, Public Work’s has included the front security door installation in its proposed FY2025 Countywide Facilities Maintenance budget as CBS-6070.</p>
<p>11. Revolving Fund</p>	<p>The Department does not have any revolving funds.</p>
<p>12. Grants</p>	<p>The Department does not have any grants.</p>
<p>13. Provide details on your Department’s Carryover/Savings that were included in the FY2025 Budget</p>	<p>The carryover savings included in FY2025 budget are from the unrestricted funds balance for FY2023 reflected in the County’s Annual Comprehensive Financial Report. Any carryover savings from FY2024 will be recognized in the FY2026 budget.</p>
<p>14. What are your three Department priorities for FY2025 and does your Department’s budget reflect that?</p>	<p>(1) Staff training and professional development: The Department has not requested additional training funds in the proposed FY2025 budget, but is looking into various trainings both free and with cost to strengthen our employees’ existing skills, as well as boost individual and organizational performance.</p> <p>(2) Retention: On page 110 of our Budget Narratives, we have included a new Goal #3 entitled “Improve recruitment and retention of departmental staff by improving the work culture, offering better benefits and perks,</p>

	<p>creating career paths, giving employee feedback, encouraging a work-life balance, and employee development opportunities.”</p> <p>(3) Improved technology:</p> <p>We have requested additional funds to obtain:</p> <ul style="list-style-type: none"> • an eDiscovery platform which the courts have required with regard to discovery in the wildfire litigation matters.
<p>15. Did your Department apply for any grant funding in FY2024?</p>	<p>The Department did not apply for any grant funding in FY2024.</p>
<p>16. How much has your Department spent on Professional Services in FY2024, and what projects and consultants were funded under this line item?</p>	<p>\$72,464.00 of budgeted FY2024 professional services funds have been spent for:</p> <p>Target Solutions – Annual recurring fee for Countywide compliance training (e.g. OSHA/HIOSH)</p>
<p>17. How much of your Department’s expenditures in FY2024 will be reimbursed by FEMA in relation to the wildfires? What amount of FY2025 expenditures are expected to be reimbursed?</p>	<p>None</p>
<p>18. Provide a list of equipment, locations, and structures used or</p>	<p>None</p>

Yuki Lei K. Sugimura, Chair
and Council Members
Budget, Finance and Economic
Development Committee
March 28, 2024
Page | 8

managed by your Department that was destroyed in the wildfires, etc.	
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Sincerely,



VICTORIA J. TAKAYESU
Corporation Counsel

BFED Committee

From: Janina Agapay <Janina.E.Agapay@co.maui.hi.us>
Sent: Thursday, March 28, 2024 5:08 PM
To: BFED Committee
Cc: Lesley Milner
Subject: (BFED-1)(CC-1)
Attachments: (BFED-1)(CC-1).pdf

Hello,

Please see attached correspondence from Corporation Counsel.

Thank you,

Janina Agapay

County of Maui

Budget Office

(808) 270-7836

Janina.E.Agapay@co.maui.hi.us