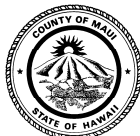


Council Chair
Alice L. Lee

Vice-Chair
Yuki Lei K. Sugimura

Presiding Officer Pro Tempore
Tasha Kama

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Tom Cook
Gabe Johnson
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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 29, 2025

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

Dear Ms. Takayesu:

SUBJECT: **FISCAL YEAR 2026 BUDGET** (BFED-1) (CC-03)

May I please request you be prepared to answer the following questions at the BFED Committee meeting on **April 2, 2025**.^{*} This will enable the Committee to comprehensively review the FY 2026 Budget.

May I further request that, after approval by the Office of the Mayor, you transmit your answer to bfed.committee@mauicounty.us by the end of the day on **April 3, 2025**. **Date subject to change without notice.*

Overall

1. Relating to the Legal Services Program, Goal #1, item 1, please explain the most common reason why a request for legal services is not closed within 30 days. (Page 124, Program Budget) (TC)
2. Relating to the Legal Services Program, Goal #3, item 1:
 - a. How many claims were filed against the County in FY 2024 and FY 2025?
 - b. What are the most common types of claims filed against the County?
 - c. Do these types of claims impact the County's overall financial risk? If so, how does the Department mitigate that risk? (Page 124, Program Budget) (TC)

3. Please explain how the Department is reducing the County's liability on County-owned land either through ownership, executive order, or leases that are not managed or properly maintained. (TP)

Salaries and Wages (Category "A")

1. The Department is requesting funding for two additional Deputy Corporation Counsel positions in FY 2026. Will the positions focus on wildfire-related work or general work within the Department? (Page 127, Program Budget) (TC)
2. The Department is requesting a full year of funding for the following FY 2025 expansion positions. Have these positions been filled?
 - a. Secretary II, Index Code 905018A;
 - b. Investigator V, Index Code 905018A;
 - c. Deputy Corporation Counsel, Index Code 905125A; and
 - d. Worker's Compensation SSI, Index Code 905310A. (Pages 2-3 through 2-5, Budget Details) (TP)

Operations and Equipment (Categories "B" and "C")

1. For the Legal Services Program, relating to Claims, Settlements, Judgements, Index Code 905307B: (Page 2-8, Budget Details)
 - a. How many cases has the Department been able to settle for more than \$7,500, but less than or equal to \$25,000, following Ordinance 5675? (TP)
2. In FY 2025, the Department was appropriated \$150,000 for Professional Services, Index Code 905018B: (Page 2-7, Budget Details)
 - a. Please provide a status update of the \$90,000 that was allocated for an eDiscovery platform. (TC)

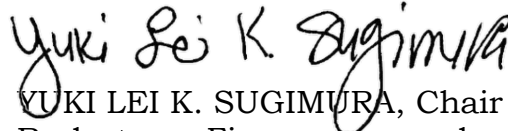
Ms. Victoria Takayesu
March 29, 2025
Page 3

- b. Has the Department procured an eDiscovery platform? If so, is there a continued cost for usage of the platform? (TP)
- 3. For the Legal Services Program, relating to Other Services, Index Code 905310B:
 - a. Please explain the purpose for the \$13,050 appropriation. (Page 2-8, Budget Details) (TC)

To ensure efficient processing, please duplicate the coding in the subject line above for easy reference.

Thank you for your attention to this request. Should you have any questions, please contact me or the Committee staff (Kirsten Szabo at ext. 7662, James Krueger at ext. 7761, Jarret Pascual at ext. 7141, Clarissa MacDonald at ext. 7135, or Pauline Martins at ext. 8039).

Sincerely,



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

bfed:2026bgt:250328acc01:clm

cc: Mayor Richard T. Bissen, Jr.
Budget Director
First Deputy Corporation Counsel

BFED Committee

From: BFED Committee
Sent: Saturday, March 29, 2025 3:01 PM
To: Victoria Takayesu-Hamilton; CorpCounselRFLS@co.maui.hi.us
Cc: BFED Committee; mimi.desjardins@co.maui.hi.us; 'Michelle Santos'; 'Zeke Kalua'; Lesley Milner; kristina.cabbat@co.maui.hi.us; tiare.p.horner@co.maui.hi.us; Janina Agapay
Subject: (OCS); FISCAL YEAR 2026 BUDGET (BFED-1) (CC-3); reply by 4/3/2025
Attachments: (CC-3) Correspondence to Corp Counnsel 03-29-2025.pdf

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
COUNTY OF MAUI
200 SOUTH HIGH STREET, 3RD FLOOR
WAILUKU, MAUI, HAWAII 96793
EMAIL: CORPCOUN@MAUICOUNTY.GOV
TELEPHONE: (808)270-7740

April 1, 2025

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

Lesley Milner, Budget Director
Office of the Mayor, County of Maui
200 S. High Street
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL

Richard T. Bissen 4-2-25
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 2026 BUDGET** (BFED-1) (CC-03)

Please find below responses of the Department of the Corporation Counsel ("Department") to your letter of March 29, 2025:

Overall

1. Relating to the Legal Services Program, Goal #1, item 1, please explain the most common reason why a request for legal services is not closed within 30 days. (Page 124, Program Budget) (TC)

There is no one reason why an RFLS may not be closed within 30 days, but there are several common ones. One, the request asks for work that takes more time to research and respond to than an ordinary request. These requests need to be balanced against a deputy's overall workload. If a deputy has a

substantial workload at the time the RFLS comes in, this might cause a delay. Another common reason for delay is when the requester and the assigned deputy are discussing the subject of the RFLS and find it requires more time than 30 days to respond to, such as a complicated research question, drafting a lease, researching possible changes to ordinances, drafting new ordinances, etc. Finally, on rare occasions, if support staff is busy, there might be a delay in assigning an RFLS which may cause a delay of more than 30 days to respond.

For the time period 7/1/2024 – April 1, 2025 the department has received 3,969 RFLS of which 3,306 were closed within 30 days.

2. Relating to the Legal Services Program, Goal #3, item 1:
 - a. How many claims were filed against the County in FY 2024 and FY 2025?
FY 2024 – 143 Claims (GL 124; Vehicle/Auto 19)
FY 2025 - 74 Claims (GL 54; Vehicle/Auto 20)
 - b. What are the most common types of claims filed against the County?

Auto accidents and property damage are the most common.
 - c. Do these types of claims impact the County's overall financial risk? If so, how does the Department mitigate that risk? (Page 124, Program Budget) (TC)

Yes, all claims impact the County's overall financial risk. Strategies used to mitigate the impact of these losses include employee training and insurance policies.
3. Please explain how the Department is reducing the County's liability on County-owned land either through ownership, executive order, or leases that are not managed or properly maintained. (TP)

A deputy position reserved exclusively to handle legal issues surrounding land management of county properties could facilitate the reduction of liability in a variety of ways. Starting with compiling a full inventory of lands owned by the county, as well as lands that the county may want to purchase or condemn, together with a comprehensive analysis of current and potential zoning of these parcels, what the best uses of those parcels might be, which parcels that may be badly managed and understanding the reasons why, would allow this department to better assist the various county departments with their land inventories. In the case of privately owned parcels that pose a threat to public health and safety, this department could better assist in evaluating which parcels should be acquired, which should not, and what enforcement mechanisms should be employed to decrease liability, if there were a deputy assigned exclusively to this task.

Salaries and Wages (Category “A”)

1. The Department is requesting funding for two additional Deputy Corporation Counsel positions in FY 2026. Will the positions focus on wildfire-related work or general work within the Department? (Page 127, Program Budget) (TC)

The additional deputy positions are intended to focus on two crucial needs. One is legal issues pertaining to land management for the COM. This position is designed to complement the land manager position currently pending creation in the Department of Finance. Although not intended to focus on wildfire-related work exclusively, there is likely going to be an increase in the need for legal support for the acquisition of lands, buildings, and residential housing, as a result of the fires. As for the additional deputy position focusing on DEM-related projects, this expansion is likely to be about 40% on fire-related issues and 60% on other DEM matters requiring legal assistance. Compared to some other departments, a significant portion of DEM projects require the Department of the Corporation Counsel to be involved.

2. The Department is requesting a full year of funding for the following FY 2025 expansion positions. Have these positions been filled?

- a. Secretary II, Index Code 905018A;

This position was changed to a Secretary to Boards and Commissions I by DPS. It was filled on 1/16/2025.

- b. Investigator V, Index Code 905018A;

This position was filled on 11/19/2024.

- c. Deputy Corporation Counsel, Index Code 905125A; and

This position was filled on 3/24/2025.

- d. Worker's Compensation SSI, Index Code 905310A. (Pages 2-3 through 2-5, Budget Details) (TP)

Position description was submitted to DPS on 9/26/2024. Position was retitled to a Worker's Compensation Specialist I by DPS and created on 2/21/2025. This position is in active recruitment since 2/25/2025. If we receive a list from DPS, we hope to hire by 4/15/2025.

Operations and Equipment (Categories "B" and "C")

1. For the Legal Services Program, relating to Claims, Settlements, Judgements, Index Code 905307B: (Page 2-8, Budget Details)

- a. How many cases has the Department been able to settle for more than \$7,500, but less than or equal to \$25,000, following Ordinance 5675? (TP)

We have settled, or are in the process of settling, i.e., waiting for signatures, a total of 14 claims. For litigation cases, we have settled 3 that fit within the parameters for a total of 17 claims/cases between \$7,500 and \$25,000.

2. In FY 2025, the Department was appropriated \$150,000 for Professional Services, Index Code 905018B: (Page 2-7, Budget Details)
 - a. Please provide a status update of the \$90,000 that was allocated for an eDiscovery platform. (TC) **See b below.**
 - b. Has the Department procured an eDiscovery platform? If so, is there a continued cost for usage of the platform? (TP)

In response to a & b above, the Department is in the final stages of submitting the RFP to Purchasing for posting. The process has taken far longer than expected as obtaining this platform required a large amount of coordination with IT. IT had been fully involved with the heavy lift of getting the County onto Microsoft 365 and was unable to participate immediately. Once the 365 migration was completed, IT prioritized our department's need and together our departments put in a substantial amount of time to finalize our RFP. Our RFP is ready to go out for bid and we hope to have selected and contracted with a vendor before June 30, 2025.

Based on our research and subsequent knowledge, we are aware that the initial costs will be over the budgeted \$90,000. We believe that if we can get the contract awarded before June 30th we will be able to cover the difference, but in the event that we are not contracted with a vendor before June 30, 2025 and the FY2025 funds lapse, we are requesting what is a more realistic appropriation.

3. For the Legal Services Program, relating to Other Services, Index Code 905310B:
 - a. Please explain the purpose for the \$13,050 appropriation. (Page 2-8, Budget Details) (TC)

The Risk Management Division uses this for payment of a small storage rental facility, and a records storage facility.

Yuki Lei K. Sugimura, Chair
and Council Members
Budget, Finance and Economic
Development Committee
April 1, 2025

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Should you have any questions, please contact me or Lisa
Kahuhu at (808) 270-7742.

Sincerely,

A handwritten signature in black ink, appearing to read 'Victoria J. Takayesu', with a stylized, flowing script.

VICTORIA J. TAKAYESU
Corporation Counsel

BFED Committee

From: Janina E. Agapay <Janina.E.Agapay@co.maui.hi.us>
Sent: Wednesday, April 2, 2025 8:59 AM
To: BFED Committee
Cc: Lesley J. Milner; mimi.desjardins@co.maui.hi.us; Victoria Takayesu-Hamilton; Lisa A. Kahuhu; Lydia A. Toda; Tabitha Martins
Subject: (BFED-1)(CC-03)
Attachments: (BFED-1)(CC-03).pdf

Hello,

Please see attached correspondence (BFED-1)(CC-03).

Thank you,

Janina Agapay

County of Maui | Budget Office

Phone: (808) 270-7836

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