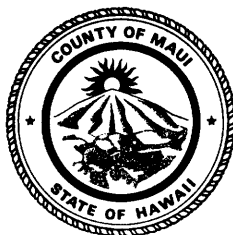


MICHAEL P. VICTORINO
Mayor

MOANA M. LUTEY
Acting Corporation
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EDWARD S. KUSHI, JR.
First Deputy

LYDIA A. TODA
Risk Management Officer



DEPARTMENT OF THE CORPORATION COUNSEL
COUNTY OF MAUI

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OFFICE OF THE
COUNTY COUNCIL

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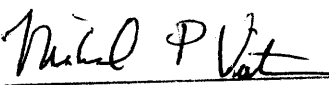
RECEIVED

April 18, 2019

Ms. Michele M. Yoshimura 
Budget Director, County of Maui
200 South High Street
Wailuku, Hawaii 96793

Honorable Michael P. Victorino
Mayor, County of Maui
200 South High Street
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL



Mayor

4/18/19

Date

For Transmittal to:

Honorable Keani Rawlins-Fernandez
Chair, Economic Development and Budget Committee
Maui County Council
200 South High Street
Wailuku, Hawaii 96793

Dear Chair Rawlins-Fernandez

SUBJECT: **REQUESTS/QUESTIONS FROM THE APRIL 8, 2019 MEETING**
(CC-6) (EDB-1)

Below are responses to your April 11, 2019 correspondence regarding requests/questions from the April 8, 2019 Economic Development and Budget Committee meeting.

1. Please provide the purpose of the expenditures by fiscal year, and reasons for the monetary differences between the multi-year expenditures (FY-17 through FY-20), including the significant 379.13% increase of \$548,517 for FY-19 as listed under the department's "Operations - Other Costs" category. Also please

explain how these costs correlate to “Miscellaneous Other Costs” for the Legal Services Program.

- a. (Narrative pg. 102, 107/ Details, Pg. 1-7/Index Code 905022B-6221)

Response

The “Other Costs” as listed in the budget narratives is an object description as listed in the Accounts & Description Listing. It is a summary of amounts encompassing numerous subobjects, including Miscellaneous Other Costs.

In FY2018, the Council transferred index 905022B, County Facilities Security, from the Department of Management to the Department of the Corporation Counsel. The overall funding of \$261,000 is as follows:

| | |
|---|--------------|
| 905022B-6016 Electrical parts & supplies - | \$16,000 |
| 905022B-6112 Contractual Service - conduct a surveillance survey.) | \$50,000 (to |
| 905022B-6221 Miscellaneous Other Costs - | \$195,000 |

In FY2019, the one-time \$50,000 appropriation for a surveillance survey was deleted. However, Council added a one-time appropriation of \$345,000 for security measures for Kalana O Maui. This additional appropriation was added to the proposed budgeted \$195,000 for a total of \$540,000 under 905022B-6221 Miscellaneous Other Costs. Total budget for 905022B was \$556,000.

In FY2020, the \$345,000 one-time appropriation was deleted and the current proposed budget is as follows:

| | |
|--|-----------|
| 905022B-6016 Electrical parts & supplies - | \$16,000 |
| 905022B-6221 Miscellaneous Other Costs - | \$195,000 |

As described in our response to (CC-3) and following discussion with Risk Management, it was discovered that additional funds in the amount of \$178,000 are necessary for the employment of two security guards. This appropriation can remain under Miscellaneous Other Costs, or it can be moved under 905022B-6112 Contractual Services. This amount is mainly used for the payment of security system maintenance provided by a contracted security company.

2. Please provide details regarding the Card Access System for the Department of Parks and Recreation.
 - a. (Narrative, pg. 107, Index Code 905310C-7051/Details, pg. 1-9)

Response

We previously responded to this request in (CC-3) #1. For convenience, the response was:

“A card access system at the Parks and Recreation Offices within the War Memorial Complex and outer Districts will address the following:

1. Prevent trespassing and unauthorized access to our offices during business and non-business hours.
2. The system will provide for access management where employees are protected from workplace violence. Employees who became separated from the workplace will have no access to facility.
3. Card Access System provides for visual identification of any persons who wish to enter the facility by remotely releasing secured doors.
4. System can provide for camera recording for future review and presentation to authorities if needed.”

Please note that there was an error in the narratives at page 107, which reflects index code 905310C-7051. The proper index code is the 905022C-7051 under County Facilities Security.

3. Why are we paying \$12,584 in FY-19 and FY-20 for computer software when we didn't pay for this expense in FY-17 and FY-18? Is this an annual expense?

Response

This is not an annual expense. Computer software appropriations have been used to enhance the department's all-encompassing electronic case management system “Legal Files.” These funds have been encumbered in previous fiscal years for enhancements, upgrades and training.

4. In the department's Legal Services Program, "Professional Services" increased 240.7% from FY-18 to FY-19 then continues at \$43,000 for FY-20. Please explain this continued increase and need for "Professional Services." (Details, pg. 1-6)

Response

Under the Legal Services Program, the budgeted amounts by fiscal year under index 905018B-6132 Professional Services is as follows:

FY 2017 - \$50,000
FY 2018 - \$43,000
FY 2019 - \$43,000
FY 2020 - \$43,000

The department uses this subobject code for Board of Ethics'-related expenditures and various litigation expenses not paid through self-insurance. In FY 2018, the Budget Director recommended we reduce this fund. We made a reduction of \$7000.

On Details pg. 1-6 for FY17 (\$9,518) and FY18 (\$12,621) list the actual amounts spent. Because we are not able to predict the costs we may incur in litigation, we are requesting the current amount of \$43,000. We believe this amount is reasonable.

5. Please explain the 52.97% increase of \$15,002 in airfare/Transportation from FY-18 to FY-19. What is the continued need for this higher amount? (Details, pg. 1-6)

Response

Under the Legal Services Program, the budgeted amounts by fiscal year under index 905018B-6201 Airfare, Transportation is as follows:

FY 2017 - \$43,325
FY 2018 - \$43,325
FY 2019 - \$43,325
FY 2020 - \$43,325

We are not able to predict the amount of travel that will be necessary for proper defense against the County. In some cases,

critical witnesses reside in other states and need to be deposed. We attempt to take as many off-island depositions as possible on any given trip to reduce travel expenses.

Because we handle a number of cases in federal court on Oahu, we are also required to travel to attend hearings, conduct trial, and so forth off-island. On occasion, the deputies and our Risk staff will also attend educational trainings on the outer islands and/or mainland to increase their knowledge and skills as an overall benefit to the County.

6. Please explain why annual employee appraisals and evaluations are not included as a key goal of the Department.

Response

The mission of our department is to support county government by providing legal advice and representation that promotes the public interest and countywide strategic priorities. We try to align our goals with the mission of the office, however, we are open to including evaluations as a key goal.

7. Please explain why reducing the number of cases thrown out on technicalities is not a key goal of the department.

Response

We regularly pursue the dismissal of cases with technical, or any legal, issues with every case. This is simply part of regular work.

8. May I suggest ensuring the titles of ordinances accurately reflect what is included in the text of an ordinance as a goal for the department for FY-20.

Response

For ordinances drafted by our department, we attempt to accurately reflect the title of an ordinance in the text. However, our office does not draft all ordinances. Sometimes ordinances are drafted by others, including individual councilmembers and the

Honorable Keani Rawlins-Fernandez

April 18, 2019

Page 6

Office of Council Services. We do our very best to ensure that the titles give proper reference to what is being amended, added, or repealed. The Council, in its deliberations on the ordinance, is able to request our department to make changes to the ordinance, including the title.

Please do not hesitate to contact me with any further questions.

Sincerely,


MOANA M. LUTEY
Acting Corporation Counsel

LF 2019-0098

EDB-1 CC-6 2019-04-18 Response to Requests/Questions from 2019-04-08 EDB Meeting