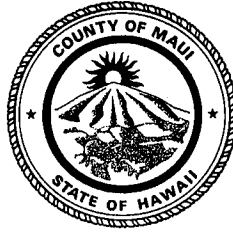


MICHAEL P. VICTORINO
Mayor

PATRICK K. WONG
Acting Corporation
Counsel

EDWARD S. KUSHI, JR.
First Deputy

LYDIA A. TODA
Risk Management Officer



RECEIVED

2019 APR -8 PM 4:06

OFFICE OF THE
COUNTY COUNCIL

DEPARTMENT OF THE CORPORATION COUNSEL
COUNTY OF MAUI

200 SOUTH HIGH STREET, 3RD FLOOR
WAILUKU, MAUI, HAWAII 96793-2155

TELEPHONE: (808) 270-7740
FACSIMILE: (808) 270-7152

April 8, 2019

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

APPROVED FOR TRANSMITTAL

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

Michael P Victorino 4/8/18
Mayor 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: **FISCAL YEAR ("FY") 2020 BUDGET** (CC-3) (EDB-1)

Below are responses to your April 2, 2019 correspondence regarding requests/questions from the April 1, 2019 Economic Development and Budget Committee meeting.

1. Why has the surveillance study for the County Building been deleted? Has security been addressed? (MM)

Response

The deletion of funding for a surveillance study (FY2018 appropriation) was done in the FY2019 budget. Our department unfortunately was unable to complete the study, but is taking steps to address the security of County employees and visitors to the County building.

We anticipate the purchase and installation of screening equipment to be completed in May 2019. However, in order to implement security screening operations on the second floor of Kalana O Maui, we would require an appropriation to fund the annual cost of two contracted security guards. The use of two guards will alleviate and prevent slowdowns during high-entry periods and is modeled after the staffing at Second Circuit court here in Wailuku. The annual cost of two guards working from 7:30 a.m. to 4:45 p.m., Monday through Friday is \$178,000. We respectfully request the addition of \$178,000 to the department's FY 2020 operating budget to continue security operations which are currently funded only through August 1, 2019.

2. Provide compensatory time off and overtime policies for deputies corporation counsel. (MM)

Response

Our office does not offer Overtime or Compensatory Time Off, however pursuant to Executive Order No. 2004-7, please see attached, Deputies are eligible for "Personal Leave". In order to be eligible, Personal Leave is discretionary and not an entitlement, a Deputy would need to work more than 60 hours in a work week, more than 12 hours in a work day, or five (5) or more continuous days on an off-island assignment. The attached Executive Order goes through the details and limitations of Personal Leave.

At this time, we are unaware of any accumulation of Personal Leave Benefits by any Deputy in the Department. Generally speaking, it has not been the practice of the Department to grant Personal Leave.

3. What is the purpose of the \$195,000 in Miscellaneous Other costs? (KK)

Response

In FY 2018, Council transferred the functions under County Facilities Security from the Department of Management to the Department of the Corporation Counsel. This included a \$195,000 appropriation for annual maintenance costs for all surveillance cameras and access control points in County facilities.

4. Provide the justification for 18 Surface Pro tablets. (KK)

Response

The first core principle in the Countywide Policy Plan is “Excellence in the stewardship of the natural environment and cultural resources.” The first “R” in the “Reduce, Reuse, Recycle” mantra is, of course, source reduction. Converting to a paperless, or less paper-dependent department, works toward achieving the County’s policy of reducing waste and positively affecting global climate change.

The Department of the Corporation Counsel has made significant effort toward reducing its overall use of paper and maintaining its files electronically; we are heavily reliant on computers, databases, and the ability to quickly access electronic information in the daily performance of our work. Decreasing our reliance on paper and printing aligns with this department’s goal of transforming from hardcopy recordkeeping and research into paperless and digital processes. Digitization improves the effectiveness and efficiency of the department, and paper reduction is beneficial for the environment and for the taxpayers. One aspect of this effort has been the implementation of the LegalFiles legal recordkeeping database, which this department utilizes to create and store all Requests for Legal Services, related documents, and responses, in addition to all court pleadings and other materials. Over time, we are also scanning in historic files, which will streamline access to these documents, as well as preserve important files for future use. The LegalFiles system is PC-based, and is not presently accessible outside the office or from the attorneys’ iPads, which are 8 years old and at or nearing the end of their useful life. The Department chose the Surface Pro tablets as the preferred option because the County’s overall systems are PC based and LegalFiles is PC-based.

Hawaii’s Court rules allow the attorneys to utilize electronic devices, including computers, in the courtroom. Outside the confines of this office, this department’s deputies need to have

access to the Maui County Code, Hawaii Revised Statutes, Hawaii court rules, case pleadings, board and commission rules, documents, and other materials. They also require internet access, and the ability to store and utilize a variety of electronic sources in their daily work. For example, just one application for a Special Management Area permit can be literally hundreds of pages long, with the supporting documentation, and attorneys need to access the full files, including all department reports, recommendations, etc., while the deputy is present at the hearing (For example, see <https://www.mauicounty.gov/ArchiveCenter/ViewFile/Item/25879>). This is just one single matter on one day's agenda handled by one deputy. This office handles dozens of such matters every single day, and our ability to serve the County Council, Administration, Departments, and Boards and Commissions is based upon our ability to access documents and sources quickly and efficiently. Additionally, the deputies must have the ability to communicate with the supervising attorneys or other deputies, which often requires transfer of documents between staff who may be in the field. While we do a significant amount of our work at our desks, an equal or greater amount of work is conducted in the Council Chambers, Department offices, and with our boards and commissions. Attorneys additionally work after hours and on weekends, and having access to County equipment for such tasks allows them to work in a secure environment.

5. Provide the justification for a new Card Access System for the Department of Park and Recreation. (KK)

Response

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 work place 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.

6. Why is the estimated need for special counsel rising from three to five? What are the latest actual measures? (TK)

Response

The estimated need for special counsel is not rising to five. The performance goal to reduce the cost of fees paid to special counsel was established in FY2015 and has always been estimated at five contracted special counsel per year. The actual number of contracted special counsel for each fiscal year is as follows:

In FY2015, the actual number of contracted special counsel was 5.
In FY2016, the actual number of contracted special counsel was 4.
In FY2017, the actual number of contracted special counsel was 4.
In FY2018, the actual number of contracted special counsel was 3.
In FY2019, as of the third quarter, the actual number of contracted special counsel is 3.

7. Provide the measure for Goal 7 in the Legal Services Program as a percentage. (TK)

Response

The goal is for all 16 County Departments (100%) to utilize InvestiPro for personnel investigations, we apologize for the misstatement in the Legal Services Program. InvestiPro was launched in November of 2018 and all Departments have received basic training on how to operate the software. However, please understand that InvestiPro is only a tool, meaning that in order to effectively utilize InvestiPro, the user must have the underlying requisite knowledge on how to perform a personnel investigation. Our office is making an effort to train all of the Departments on how to conduct a personnel investigation.

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


APPROVED FOR TRANSMITTAL:


for _____
EDWARD S. KUSHI, JR
First Deputy Corporation Counsel

11/10/04 10:04 AM GREGG

<p>COUNTY OF MAUI DEPARTMENT OF PERSONNEL SERVICES 200 SOUTH HIGH STREET WAILUKU, MAUI, HAWAII 96793</p>	<p>CIRCULAR IIC/04-07 November 8, 2004</p>
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MEMO TO: Brian T. Moto, Corporation Counsel
Davelynn M. Tengan, Prosecuting Attorney

FROM: Lynn G. Krieg 
Director of Personnel Services

SUBJECT: EXECUTIVE ORDER NO. 2004-7, RELATING TO PERSONAL LEAVES FOR
ELIGIBLE ATTORNEYS WITHIN THE DEPARTMENT OF THE
CORPORATION COUNSEL AND DEPARTMENT OF THE PROSECUTING
ATTORNEY

Transmitted is Executive Order No. 2004-7 relating to the granting of personal leaves for eligible attorneys in your respective departments.

The executive order describes the approved leaves effective October 30, 2004.

If individual copies are requested by affected employees, feel free to reproduce them for distribution.

If you have any questions, please contact me at 270-7850.

cm
Enclosure
cc: Finance--Payroll Section

RECEIVED
CORPORATION COUNSEL
2004 NOV -9 PM 3:35

County of Maui

EXECUTIVE ORDER NO. 2004-7

WHEREAS, Hawaii Revised Statutes ("HRS") Chapter 89C authorizes the Chief Executives of the State and Counties, the Board of Education, the Board of Regents, the Auditor, the Director of the Legislative Reference Bureau, the Ombudsman, and the Chief Justice of the Supreme Court to make adjustments in the compensation, hours, terms and conditions of employment, and other benefits for public officers and employees who are exempt from civil service and excluded from collective bargaining coverage under HRS Chapter 89, except when fixed by the legislature or prescribed by the salary commission; and

WHEREAS, HRS Section 89C-4, as amended, authorizes each appropriate authority to determine the adjustments that are relevant for their respective excluded employees who are exempt from civil service in consideration of the compensation and benefit packages provided for other employees in comparable agencies; and

WHEREAS, HRS Chapter 79, Leaves of Absence, was repealed effective July 1, 2001; and

WHEREAS, attorneys within the Department of the Corporation Counsel and the Department of the Prosecuting Attorney are public-sector employees, excluded from collective bargaining and exempt from civil service; and

WHEREAS, deputies within the Department of the Corporation Counsel and the Department of the Prosecuting Attorney are paid in accordance with a pay system established by ordinance, Maui County

Code Section 2.44.015, pursuant to principles of public accountability, which relate to the desire of taxpayers that government be accountable for expenditures of public moneys;

NOW, THEREFORE, I, ALAN M. ARAKAWA, Mayor of the County of Maui, pursuant to the provisions of HRS Chapter 89C, as amended, do hereby grant to eligible attorneys within the Department of the Corporation Counsel and the Department of the Prosecuting Attorney, who are excluded from collective bargaining and exempt from civil service, personal leave benefits subject to the conditions set forth below:

PERSONAL LEAVE


- A. The Corporation Counsel and the Prosecuting Attorney for the County of Maui may adopt for the attorneys within the Department of the Corporation Counsel and the Department of the Prosecuting Attorney, respectively, a personal leave benefit plan;
- B. Personal leave benefit shall be granted at the discretion of the appropriate appointing authority and shall not be an entitlement;
- C. Personal leave may be granted when an attorney works more than 60 hours in a work week, more than 12 hours in a work day, or five (5) or more continuous days on an off-island assignment. Time spent at training academies, seminars, training programs, conferences, or similar type of assignments shall not qualify for the purpose of determining any personal leave benefits;

- D. All applications for a grant of personal leave by an attorney shall be verified by the appointing authority or the appointing authority's designee, and approval of personal leave and the determination of the number of personal leave hours granted shall be at the sole discretion of the appointing authority or the appointing authority's designee. A grant of personal leave shall be sent to the payroll system by the appointing authority for input to the attorney's personal leave "bank";
- E. An attorney may accumulate no more than 80 hours of personal leave during the calendar year. (i.e., an attorney's personal leave "bank" shall be subject to a **"rolling cap"** of 80 hours per calendar year);
- F. Any unused personal leave over 40 hours shall be forfeited at year end (i.e., an attorney's personal leave "bank" shall be subject to a **"cap at year end"** of 40 hours); and
- G. Any accumulated personal leave shall be forfeited and not paid when the attorney separates from county employment.

Each appointing authority shall be responsible for administering the personal leave benefits under this executive order and any interpretation concerning the applicability of such benefits to attorneys within the Department of the Corporation Counsel and the Department of the Prosecuting Attorney who are exempt from civil service and excluded from collective bargaining.


This order shall take effect upon its approval.

DONE at Kalana O Maui, Wailuku, Hawai'i, this 30 day of October, 2004.



ALAN M. ARAKAWA
Mayor
County of Maui

APPROVED AS TO FORM
AND LEGALITY:



JOHN D. KIM
Deputy Corporation Counsel
County of Maui
S:\ALL\Jdk\Mayor's Office\Personal Leave\PL EXODR7.wpd