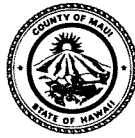


Council Chair  
Alice L. Lee

Vice-Chair  
Yuki Lei K. Sugimura

Presiding Officer Pro Tempore  
Tasha Kama

Councilmembers  
Tom Cook  
Gabe Johnson  
Tamara Paltin  
Keani N.W. Rawlins-Fernandez  
Shane M. Sinenci  
Nohelani U'u-Hodgins



Director of Council Services  
Traci N. T. Fujita, Esq.

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

**COUNTY COUNCIL**  
COUNTY OF MAUI  
200 S. HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
[www.MauiCounty.us](http://www.MauiCounty.us)

March 23, 2023

Mr. Andrew Martin, Prosecuting Attorney  
Department of the Prosecuting Attorney  
County of Maui  
Wailuku, Hawaii 96793

Dear Mr. Martin:

SUBJECT: **FISCAL YEAR ("FY") 2024 BUDGET** (BFED-1) (PA-1)

May I please request you submit your answers to the following questions by **March 31, 2023**. This will enable the Committee to comprehensively review the FY 2024 Budget.

1. Please outline the major changes in your Department's budget from FY 2023 to FY 2024. If the budget will decrease, how will this impact the Department's operations and the Department's ability to service the public?
2. How many vacant positions currently exist within the Department?
  - a. Please include the job titles for the vacant positions and how long they have been vacant.
  - b. What is the timeline for filling these vacancies?
  - c. Would there be any consequences for removing funding for these vacant positions from the FY 2024 Budget?
3. If your Department had expansion positions in the FY 2023 Budget, how many of those positions were filled? If they have not been filled, are they included in the FY 2024 Budget, and for how many months of funding?

4. If your Department is proposing expansion positions in the FY 2024 Budget, how do you plan to fill those positions?
5. How many positions were filled in FY 2023 that were not expansion positions?
6. In what ways did the 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 overtime has been paid to date in FY 2023 and what was the reason for these costs?
  - 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 2023 will increase or decrease and what are the reasons for your assumption?
8. If your Department had Capital Improvement Projects ("CIPs") in FY 2023:
  - a. Provide the current status of each project.
  - b. Provide information on how much funding has been encumbered or expended to date for each project.
9. If your Department has CIPs for FY 2024:
  - a. Rank your proposed CIPs, by priority.
  - b. Will the CIP funding included in the FY 2024 Budget be encumbered by June 30, 2024? If not, how much do you anticipate will be encumbered by June 30, 2024?
10. Please provide details on your Department's carryover savings that were included in the FY 2024 Budget.
11. What are your top three priorities for FY 2024 and how does your Department budget reflect that?

Mr. Andrew Martin  
March 23, 2023  
Page 3

12. Did the Department apply for any grant funding in FY 2023? If yes, how much was received?
13. How much has the Department spent on professional services in FY 2023 and what projects and consultants were funded under this line item?

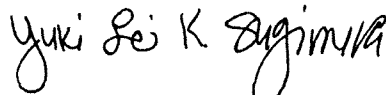
The Department is scheduled to present on April 10, 2023. The schedule is subject to change and staff will reach out if there are any changes to the schedule.

Please be prepared to provide a ten-minute presentation on an overview of the changes in your Department's budget from FY 2023 to FY 2024, 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 (Lesley Milner at ext. 7886, 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:2024bgt:230323altr01:ljam

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

## BFED Committee

---

**From:** BFED Committee  
**Sent:** Thursday, March 23, 2023 6:27 PM  
**To:** Andrew.Martin@co.maui.hi.us  
**Cc:** BFED Committee; shelly.demattos@co.maui; Glen Duran; Karen Montalvo; Michelle Santos; Zeke Kalua; Maria Zielinski; Kristina Cabbat  
**Subject:** PLEASE READ attached letter re: FISCAL YEAR ("FY") 2024 BUDGET (BFED-1) (PA-1)  
**Attachments:** PA-1.pdf

**Mr. Martin:** Please refer to the attached letter from the Budget, Finance, and Economic Development (BFED) Committee Chair, dated 3/23/2023.

**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

**ANDREW H. MARTIN**  
Prosecuting Attorney

**SHELLY C. MIYASHIRO**  
First Deputy Prosecuting Attorney



**DEPARTMENT OF THE PROSECUTING ATTORNEY**  
COUNTY OF MAUI  
150 SOUTH HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
PHONE (808) 270-7777 • FAX (808) 270-7625

March 31, 2023

Ms. Maria Zielinski  
Budget Director, County of Maui  
200 South High Street  
Wailuku, Hawaii 96793

A handwritten signature in blue ink, appearing to be "my".

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

APPROVED FOR TRANSMITTAL

A large, stylized handwritten signature in blue ink, likely of Richard T. Bissen, Jr.

3/31/23  
\_\_\_\_\_  
Mayor Date

For Transmittal to:

Honorable Yuki Lei K. Sugimura, Chair  
Budget, Finance, and Economic Development Committee

**SUBJECT: FISCAL YEAR 2024 BUDGET (BFED-1)(PA-1)**

Dear Chair Sugimura and Members,

The attached pages are in response to letter received March 23, 2023 from Chair Sugimura regarding the FY24 Budget.

If you have any further questions regarding this matter, please contact me at 270-7777.

Sincerely,

A handwritten signature in blue ink, appearing to be "A. H. Martin".

**ANDREW H. MARTIN**  
Prosecuting Attorney

Attachment

1. Please outline the major changes in your Department's budget from FY 2023 to FY 2024. If the budget will decrease, how will this impact the Department's operations and the Department's ability to service the public?

The Department's FY24 Budget has increased due to salary increases in accordance to Collective Bargaining Contracts, Ordinance 5398 Bill No. 89 (2022), and Mayors letter dated 3/28/22 RE: Salary Increases for Department Directors, Deputy Directors, and County Auditor. The Department has also requested four (4) expansion positions for Victim-Witness Counselors, which are all currently filled, due to a decrease in funding through the VOCA Special Need Advocacy Project grant.

2. How many vacant positions currently exist within the Department?

18 vacant positions as of 3/30/2023.

- a. Please include the job titles for the vacant positions and how long they have been vacant.

See attached

- b. What is the timeline for filling these vacancies?  
All positions are currently open for recruitment, intra-department and/or open recruitment. The department has recently made two offers to DPA candidates, which are currently pending. We will interview internal applicants for our vacant Law Technician I position once Personnel determines they meet the MQ's. We expect to have multiple qualifying applicants for our Investigator III position which closes on April 1, 2023. It should also be noted that four of our current vacancies are for Internship or Law Clerk positions. The department would like to fill all positions ASAP, however for some recruitments there have been little to no applicants (Legal Clerk series), and/or those interviewed did not meet the department's needs.

- c. Would there be any consequences for removing funding for these vacant positions from the FY 2024 Budget?

Without question. The department is currently operating while understaffed. Clerical staff are currently overloaded with work due to staff shortages, which is compounded when unexpected leaves occur. The open positions in Administration were created to help streamline work processes and more effectively and efficiently address operational needs, work which is currently falling on others to complete. Deputy Prosecuting Attorneys are a constant need for the department to continue to effectively prosecute cases. In order to maintain manageable caseloads for the Deputies, current positions must be maintained.

3. If your Department had expansion positions in the FY 2023 Budget, how many of those positions were filled? If they have not been filled, are they included in the FY 2024 Budget, and for how many months of funding?

The Department received four (4) expansion positions in FY23. Currently, one (1) position, Investigator III, has been filled. The Information System Analyst V position was transferred to ITSD eff. 02/09/23. The remaining positions, Grants Management Specialist III and Deputy Prosecuting Attorney, were included in the FY24 budget for 12-month funding.

4. If your Department is proposing expansion positions in the FY 2024 Budget, how do you plan to fill those positions?

The Department requested four (4) expansion positions due to loss of funding from the VOCA Special Needs Advocacy Project, all positions are filled.

5. How many positions were filled in FY 2023 that were not expansion positions?

To date, four (4) non-expansion positions have been filled in FY 2023 (two with anticipated start dates in April), with two other pending offers for employment outstanding.

6. In what ways did the Department recruit to fill vacancies and what were the most effective methods for attracting candidates?

The Department has posted recruitment on the County's job posting website, participated in job fairs, and promoted news articles on some of our new projects. However, the most successful method has been direct recruitment – the Prosecutor, First Deputy, Law Office Manager, and other team members directly reaching out to those who may be interested and encouraging them to apply has proven, time and again, to be the most successful method.

In order to encourage an increase in applications through methods that are not as direct, we are employing strategies such as requesting approval to offer hiring incentives for vacant staff positions, expanding our recruitment nationally through specific organizations such as the National District Attorneys Association, and expanding our visibility at both UH Maui and the UH Richardson Law School.

7. The following questions are related to overtime payments:

- a. How much overtime has been paid to date in FY 2023 and what was the reason for these costs?

\$39,423.00 overtime has been paid as of 03/30/23. These costs were mainly attributed to shortage of staff to process the workload, and testing, training, and configuration of the department's new data management system eProsecutor.

- b. Were any of these overtime costs attributed to the number of vacant positions in your Department?

Yes

- c. Do you anticipate that overtime costs in FY 2023 will increase or decrease and what are the reasons for your assumption?

Overtime costs are anticipated to decrease in FY24 due to the completion of eProsecutor.

8. If your Department had Capital Improvement Projects ("CIPs") in FY 2023: N/A

- a. Provide the current status of each project.
- b. Provide information on how much funding has been encumbered or expended to date for each project.

9. If your Department has CIPs for FY 2024: N/A

- a. Rank your proposed CIPs, by priority.
- b. Will the CIP funding included in the FY 2024 Budget be encumbered by June 30, 2024? If not, how much do you anticipate will be encumbered by June 30, 2024?

10. Please provide details on your Department's carryover savings that were included in the FY 2024 Budget.

The carryover savings, included in the FY 2024 proposed Budget is from the unrestricted fund balance for FY 2022 reflected in the County's Annual Comprehensive Financial Report (ACFR). Any carryover savings from FY 2023 will be recognized in the FY 2025 budget.

11. What are your top three priorities for FY 2024 and how does your Department budget reflect that?

Our FY 2024 budget appropriately reflects that attracting and retaining the very best professionals is our top priority. Increasing salaries isn't the only solution to the current recruitment challenges that many organizations are experiencing, but it is an important one. Our budget also reflects our continued commitment to our office modernization by supporting our eProsecutor project's continued development after it goes live. We are also continuing to support our innovative approaches to criminal justice programs that help to ensure a safe community.

12. Did the Department apply for any grant funding in FY 2023? If yes, how much was received?

Yes - \$1,109,2614.50 were received in federal/state grant funding.

13. How much has the Department spent on professional services in FY 2023 and what projects and consultants were funded under this line item?

As of March 30, 2023, \$82,097 has been spent on Professional Services. These services include 24-hour on-call doctors/nurses to conduct sexual assault exams for victims of crime and transcript services for court proceedings.

\$90,000.00 was also budget for a Community Outreach Coordinator. The department has been working on creating a grant application to solicit for bids. If funding is still provided in FY24, the department plans to expend these funds as a grant award to a non-profit organization.

Position ID	Position	Job Profile	Compensation Grade Profile	Job Requisition	Open for Recruitment	Days Vacant
P-26367	P-26367 Deputy Prosecuting Attorney (Unfilled)	Deputy Prosecuting Attorney	Attorney - 00	R-8919 Deputy Prosecuting Attorney (Open)	3/15/2023	15
P-26397	P-26397 Investigator III (Unfilled)	Investigator III	BU13-SR20	R-8751 Investigator III (Open)	2/1/2023	57
P-26486	P-26486 Legal Clerk III (Unfilled)	Legal Clerk III	BU03-SR14	R-8918 Legal Clerk III (Open)	3/16/2023	14
P-26505	P-26505 Secretary I (Unfilled)	Secretary I	BU03-SR14	R-7791 Secretary I (Open)	1/1/2023	88
P-26509	P-26509 Account Clerk III (Unfilled)	Account Clerk III	BU03-SR13	R-8876 Account Clerk III (Open)	3/2/2023	28
P-26532	P-26532 Office Operations Assistant II (Unfilled) (Position interviewed and offer made to applicant 3/28/23)	Office Operations Assistant II	BU03-SR10	R-8875 Office Operations Assistant II (Open)	3/2/2023	28
P-26550	P-26550 Legal Clerk IV (Unfilled)	Legal Clerk IV	BU03-SR16	R-8026 Legal Clerk IV (Open)	10/17/2022	164
P-26552	P-26552 Law Technician I (Unfilled) (Application received 3/22/23)	Law Technician I	BU03-SR16		3/13/2023	17
P-28716L	P-28716L Deputy Prosecuting Attorney (Unfilled)	Deputy Prosecuting Attorney	Attorney - 00	R-8193 Deputy Prosecuting Attorney (Open)	9/2/2022	209
P-28718	P-28718 Deputy Prosecuting Attorney (Position Fill:04/24/2023,Tye Graham)	Deputy Prosecuting Attorney	Attorney - 00	R-8059 Deputy Prosecuting Attorney (Fill Date: 04/24/2023)	8/1/2022	241
P-29373	P-29373 Legal Clerk III (Unfilled)	Legal Clerk III	BU03-SR14	R-8516 Legal Clerk III (Open)	12/19/2022	101
P-30924	P-30924 Office Operations Assistant II (Unfilled)	Office Operations Assistant II	BU03-SR10		11/1/2021	514
P-30929	P-30929 Internship Law Clerks (Unfilled) (Anticipated to fill June 2023)	Student Intern	College Intern		8/14/2021	593
P-30930	P-30930 Internship Law Clerks-3 (Unfilled)	Student Intern	College Intern		9/4/2021	572
P-30942	P-30942 Deputy Prosecuting Attorney-1 (Unfilled)	Deputy Prosecuting Attorney	Attorney - 00		12/5/2019	1211
P-31523	P-31523 Internship Law Clerk (Unfilled)	Law Clerk - Hourly	Law Clerk - Hourly		11/9/2020	871
P-32521	P-32521 Deputy Prosecuting Attorney (Unfilled)	Deputy Prosecuting Attorney	Attorney - 00	R-8352 Deputy Prosecuting Attorney (Open)	11/10/2022	140
P-32567	P-32567 Grants Management Program Specialist III (Unfilled)	Grants Management Program Specialist III	BU13-SR20	R-8759 Grants Management Program Specialist III (Open)	1/25/2023	64

ATTACHMENT

## **BFED Committee**

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**From:** Janina Agapay <Janina.E.Agapay@co.maui.hi.us>  
**Sent:** Friday, March 31, 2023 3:58 PM  
**To:** BFED Committee  
**Subject:** FY24 (BFED-1)(PA-1)  
**Attachments:** (BFED-1)(PA-1).pdf

Aloha,

Please see attached signed letter for the FY 24 Budget (BFED-1) (PA-1)

Mahalo,

### **Janina Agapay**

Budget Office  
County of Maui  
200 South High Street  
Wailuku, Maui, HI 96793  
Email: [Janina.E.Agapay@co.maui.hi.us](mailto:Janina.E.Agapay@co.maui.hi.us)