

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

April 1, 2023

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

Dear Ms. Takayesu:

SUBJECT: **FISCAL YEAR ("FY") 2024 BUDGET** (BFED-1) (CC-3)

May I please request you be prepared to answer the following questions at the BFED Committee meeting held via BlueJeans on **April 3, 2023***. This will enable the Committee to comprehensively review the FY 2024 Budget. May I further request that, after approval by the Office of the Mayor, you transmit a written response to bfed.committee@mauicounty.us by **April 6, 2023**. **Date subject to change without notice.*

Overall

1. Relating to Goal #2, item 1: Number of requests for legal services (RFLS) closed within 30 days:
 - a. In days, what is the average time it takes to close an RFLS? (Page 108, Program Budget) (TC)
 - b. The 30 day RFLS completion time is being reduced by just over 10% from 4,419 in FY 2022 to 4,000 in FYs 2023 and 2024, while RFLS are expected to increase to 5,000 a year. What will the impact be on County operations if additional time is needed to complete an increased number of RFLSs? (Page 108, Program Budget) (SS)
2. Relating to Goal #2, item 2: Actively defend and attempt to settle in County's best interest a minimum of 2% of civil and administrative litigated actions pending (Page 108, Program Budget) (TP) (SS) (NUH)

- a. Why is the FY 2024 estimate for the percent of civil/administrative litigated actions closed at 10% when the FY 2022 Actual was 42%?
 - b. Does the Department have adequate staffing to maintain the FY 2022 settlement goals if the same case load is presented in FYs 2023 and FY 2024?
 - c. Can we expect this number to increase in the future?
3. Does the Department have a triage system in place to review legislation and is the review of pending legislation considered a priority? (Page 108, Program Budget) (SS)

Salaries and Wages (Category “A”)

1. Is P-00405 a half-time expansion position and is P-25525 a full-time expansion position for FY 2024? (Page 2-3, Budget Details) (TP)
 - a. Is funding for P-25525 8 months or 12 months?
 - b. Has an applicant been identified for the position?
2. What instructions and directions are given to the professional negotiator hired to represent the County’s interests in collective bargaining? And are any union negotiations scheduled for FY 2024? (Page 2-7, Budget Details, 905020B-6132) (TP)
3. Please confirm – does 1.5 Legal Assistant expansion positions cost a total of \$78,278 or \$76,070? (Page 2-3, Budget Details) (Page 111, Program Budget) (TP)
4. Please confirm – would additional funding for Counsel and Drafting Deputies during Budget and Council meetings total \$39,000 or \$36,000? (Page 109, Program Budget) (Page 2-7, Budget Details) (TP)
5. Does the Department need more than the 1.5 proposed Legal Assistant positions to increase the turn-around time for RFLSs? (Page 107, Program Budget) (SS)

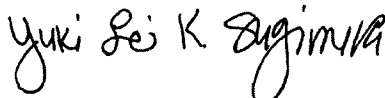
Ms. Victoria J. Takayesu
April 1, 2023
Page 3

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

1. Relating to Utilities: Cellular Telephone: Additional funding for Counsel and Drafting Deputies during Budget and Council Meeting, please provide the rationale and breakdown for the \$30,000 increase for cellular telephones for Budget and Council meetings. (Program Budget, page 111) (TC)
2. Why does Corporation Counsel need (8) Big red adult CPR manikins, but no child or infant manikins? (Page 111, Program Budget, 905310B-6035) (TP)
 - a. Will these be used countywide or only for personnel at Kalana o Maui and Kalana Pakui?
 - b. Will County employees also learn child and infant CPR?
3. How many evacuation chairs does Kalana o Maui currently have? (Page 111, Program Budget, 905310C-7044) (TP)
 - a. What is the lifespan of the evacuation chairs being purchased?
4. Regarding the \$30,000 expansion request for cellular telephones, how many additional phones could be purchased? (Page 2-7, Budget Details) (YLS)

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:230331acc03:alkl

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

RICHARD T. BISSEN, JR.
Mayor

VICTORIA J. TAKAYESU
Corporation Counsel

SONYA H. TOMA
First Deputy

LYDIA A. TODA
Risk Management Officer

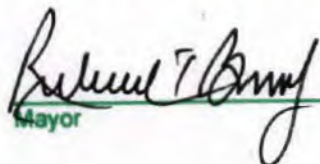


DEPARTMENT OF THE CORPORATION COUNSEL
COUNTY OF MAUI
200 SOUTH HIGH STREET, 3RD FLOOR
WAILUKU, MAUI, HAWAII 96793
EMAIL: CORPCOUN@MAUICOUNTY.GOV
TELEPHONE: (808)270-7740

April 4, 2023

Yuki Lei K. Sugimura, Chair
Budget, Finance, and Economic
Development Committee
200 S. High Street, 7th Floor
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL

 4-5-23
Mayor Date

VIA:

Mayor Richard T. Bissen, Jr.
200 S. High Street, 9th Floor
Wailuku, Hawaii 96793

SUBJECT: Fiscal Year ("FY") 2024 Budget (BFED-1) (CC-3)

This is in response to your letter of April 1, 2023 requesting answers to the following questions:

Overall

1. Relating to Goal #2, item 1: Number of requests for legal services (RFLS) closed within 30 days.

RESP:

- a. In days, what is the average time it takes to close an RFLS?

The average time it takes to close an RFLS is between 15 – 20 business days. Beginning at the start of fiscal year FY2023 to date, the statistics are as follows:

- o # of RFLS received: 3732
- o # of RFLS closed: 3697
- o # of RFLS closed in 30 days: 3177

APPROVED FOR TRANSMITTAL

Mayor

Date

- b. The 30-day RFLS completion time is being reduced by just over 10% from 4,419 in FY2022 to 4000 in FYs 2023 and 2024, while RFLS are expected to increase to 5,000 a year. What will the impact be on County operations if additional time is needed to complete an increased number of RFLSs?

Our staff will ensure that there is minimal disruption to County operations by putting in the time necessary to complete the RFLS. Because we are understaffed at this point, we cannot say with certainty that there won't be some that will take longer, but with the addition of the paralegal position for Counseling and Drafting, our internship program, and aggressive recruiting, we are optimistic that we will meet and exceed in completing our RFLS in 30 days.

- 2. Relating to Goal #2, item 2: Actively defend and attempt to settle in County's best interest a minimum of 2% of civil and administrative litigated actions pending.

- a. Why is the FY2024 estimate for the percent of civil/administrative litigated actions closed at 10% when the FY 2022 Actual was 42%?

The Department strives to actively defend the County and bring to successful completion as many cases as possible. The FY2022 actuals are higher because 1000 plus tax appeals were consolidated into one case, and the remaining files were closed.

- b. Does the Department have adequate staffing to maintain the FY2022 settlement goals if the same case load is presented in FY2023 and FY2024.

It has been difficult, but we believe if we can fill all our vacancies, which will be helped by Council's approval to implement our Law clerk internship program, that we can maintain the FY2023 and FY2024 settlement goals.

- c. Can we expect this number to increase in the future?

The number of litigated actions continue to grow, a trend that is seen nationwide. We cannot predict with certainty the number of

cases that we will be able to close in a fiscal year, but we will strive to close a minimum of 10% as estimated for FY2023 and FY2024.

3. Does the Department have a triage system in place to review legislation and is the review of pending legislation considered a priority.

RESP: For clarification, legislation is defined here as proposed Maui County ordinances. The Department has a review process for legislation which involves 3 people to provide the best and most accurate review. In someone's absence the review can be done by 2, but 3 is preferred.

For years we have requested consideration from the Office of Council Services to provide legislative review RFLS to us to allow for a minimum of two weeks for us to properly process. We continue to work with OCS staff to manage the ever-increasing quick turn arounds, and do inform OCS when we are not able to meet their deadlines. In an effort to decrease our review time, we have also worked with OCS to standardize drafting formatting, and have additionally asked OCS to please provide Word versions with track changes so that we can expedite the review of the legislation that has already been previously reviewed by our office.

Salaries and Wages (Category "A")

1. Is P-00405 a half-time expansion position and is P-25525 a full-time expansion position for FY2024?

RESP: P-00405 is a full-time expansion position for a legal assistant (aka paralegal) in our Counseling and Drafting Division.

P-25525 is currently a half-time paralegal position that was recently vacated on March 31, 2023 due to the incumbent's retirement. We would like to increase the EP from half-time 0.5 to full-time 1.0.

- a. Is funding for P-25525 8 months or 12 months?

The Department is budgeting for 12 months for FY2024 at an EP of 1.0. Due to the incumbent's retirement, DPS is actively running an open recruitment to fill the vacant position, but we have to recruit as a half-time position which it currently is.

To: Yuki Lei K. Sugimura, Chair
Re: Fiscal Year ("FY") 2024 Budget (BFED-1) (CC-2)
April 4, 2023
Page | 4

The Department currently has 1.5 paralegal positions which assist mainly with the Litigation Division. The expansion position is requested to assist the Counseling and Drafting division.

- b. Has an applicant been identified for the position.

It is a continuous and open recruitment, and DPS is still receiving and reviewing applications. The Department has not identified any particular applicant, and would like to review all applications.

2. What instructions and directions are given to the professional negotiator hired to represent the County's interests in collective bargaining? And are any union negotiations scheduled for FY2024?

RESP: We last used this fund in 2017, so I couldn't say what directions were given, but \$69,162.58 was paid on that \$75,000 contract. At this time, I am not aware of any scheduled union negotiations. However, a professional negotiator to provide the County with informed decision making as to what is best for our employees, particularly if there is an emergency like Covid or other disaster-related issues may be necessary.

3. Please confirm – does 1.5 Legal Assistant expansions cost total of \$78,278 or \$76,020?

RESP: Defer to the Budget Director. It appears that it is \$78,278.

4. Please confirm – would additional funding for Counsel and Drafting Deputies during Budget and Council meetings total \$39,000 or \$36,000?

RESP: The Department is requesting \$30,000 for the purchase of cellular phones and service plans for 18 deputies corporation counsel for the deputies to be able to accept and respond to work related calls which can come in at any time day or night, as well as save on incurred expenses to their personal cellular plans.

The Department is requesting \$36,000 for 905018B-6152. Defer to the Budget Director for the \$39,000 amount listed on the program budget, page 109.

To: Yuki Lei K. Sugimura, Chair
Re: Fiscal Year ("FY") 2024 Budget (BFED-1) (CC-2)
April 4, 2023
Page | 5

5. Does the Department need more than the 1.5 proposed Legal Assistant positions to increase the turn-around time for RFLSs?

RESP: The Department currently has 1.5 paralegal positions, and is requesting the expansion of the .5 position to 1.0, and an additional expansion position of 1.0 for a paralegal in Counseling and Drafting. If approved, the Department would have 3 full-time paralegal positions. We believe this will, to some degree, help with the turn-around time for some RFLS.

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

1. Relating to Utilities: Cellular Telephone: Additional funding for Counsel and Drafting Deputies during Budget and Council Meeting, please provide the rationale and breakdown for the \$30,000 increase for cellular telephone for Budget and Council meetings?

RESP: The Department is seeking to purchase 18 cell phones for use by all deputies corporation counsel and related cellular plans. We anticipate these phones to be approximately \$800 each, with a concomitant increase in our cellphone plan which we expect to be \$70-80 per plan, per month or \$12,000.

2. Why does Corporation Counsel need (8) Big red adult CPR manikins, but no child or infant manikins?

RESP: The Big Red Adult CPR Manikins with LED light feedback allows students to see simulated blood flow as they perform compressions. With larger classes of 8, it is difficult for the instructor to see every student all the time. The instant feedback enables students to make immediate corrections so that they are truly practicing in the same manner as a real incident.

- a. Will these be used countywide or only for personnel at Kalana O Maui and Kalana Pakui?

Classes are offered for all County of Maui employees and the manikins are transportable to all training sites.

To: Yuki Lei K. Sugimura, Chair
Re: Fiscal Year ("FY") 2024 Budget (BFED-1) (CC-2)
April 4, 2023
Page | 6

- b. Will County employees also learn child and infant CPR?

The class currently taught is Adult and Pediatric CPR/AED/First Aid. Infant CPR is taught on the same manikins. Generally, the class is geared towards the workplace, and usually, there are not many infants in the County's care.

3. How many evacuation chairs does Kalana O Maui currently have?

RESP: The County currently has 3 older model chairs which can only handle up to 300 lbs, and only one handle for one person to operate them. The new chairs can handle up to 500 lbs, have 2 handles for assistance from 2 people, as well as a track system for easy descent.

- a. What is the lifespan of the evacuation chairs purchased?

With proper maintenance, the new chairs could last 15-20 years, possibly longer.

4. Regarding the \$30,000 expansion request for cellular telephones, how many additional phones could be purchased?

RESP: The Department intends to purchase 18 cellular phones and related cellular plans.

Sincerely,



VICTORIA J. TAKAYESU
Deputy Corporation Counsel

LF: FY2024 Budget

cc: Maria Zielinski, Budget Director

BFED Committee

From: Desiree Echalas <Desiree.B.Echalas@co.maui.hi.us>
Sent: Wednesday, April 5, 2023 8:59 AM
To: BFED Committee
Subject: FY 2024 (BFED-1) (CC-3)
Attachments: FY 24 (BFED-1) (CC-3) Response.pdf

Please see attached response (CC-3) from Department of Corporation Counsel.

Desiree Echalas
Budget Specialist
County of Maui
Office of the Mayor
Desiree.B.Echalas@co.maui.hi.us
Phone: (808) 270-8239