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Vice-Chair  
Keani N.W. Rawlins-Fernandez

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

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

April 2, 2020

Ms. Moana Lutey, Corporation Counsel  
Department of the Corporation Counsel  
County of Maui  
Wailuku, Hawaii 96793

Dear Ms. Lutey:

SUBJECT: **FISCAL YEAR ("FY") 2021 BUDGET** (CC-1) (EDB-1)

May I please request that you be prepared to answer the following questions at the EDB Committee meeting held via BlueJeans on **April 6, 2020**.  
This will enable the Committee to comprehensively review the FY 2021 Budget.

*\*Date subject to change without notice.*

Category "A" – Salaries & Wages

1. Provide vacancy and overtime reports for entire Department. (RH)
2. What amount from the General Fund was used to offset federal grants program personnel and benefits? Please provide details of position type, amounts, and grant name. (RH)
3. Please provide the SR/step and dollar amount allotted for all Position titles within the Department of Corporation Counsel and indicate which Position titles are vacant, if any. Information missing from the Budget Details. (TP)
4. We understand that premium pay budget for FY21 is being increased. There was a dramatic increase in actual premium pay costs between FY 18 and FY 19. What is the current trend for FY 20? What is being done to address the trend? If full control of

premium pay is not likely, why not budget more? (Page 90 of the Program Budget) (TK)

5. Please provide further explanation details for the proposed Security Manager expansion position (estimated amount of fringe and premium pay included). What is the purpose for the expansion position? (Bottom of page 1-5 of the Budget Details, Index Code P-xxxx (Safety Specialist III)) (KRF)
6. Please explain the need for a Security Manager. We already have 2 Safety Specialist III and a Safety Specialist II. Please also provide the position description, summary of job duties, and minimum qualifications. (Page 1-5, Budget Details, 905310A: Risk Management, and Page 93, Program Budget) (TP)
7. Please provide Position Description, minimum qualifications, summary of duties, SR rating and Step for: Risk Management Officer, Loss Control Specialist, Safety Specialist II/III and Insurance and Claims Assistant II. (Page 1-5, Budget Details 905301A: Risk Management and Page 88 and 93, Program Budget) (TP)
8. The Department is proposing one expansion position for a Safety Specialist III. Provide the justification for this position. (Page 93 of the Program Budget). (ALL)
9. Please provide further explanation details for the proposed security services funding. How many guards? Work hours? How would the parking garage entrance on the 1<sup>st</sup> floor be addressed? (Page 1-8 of the Budget Details, Index Code 905022B-6146) (KRF)

Category "B" – Operations

10. Provide recommendations for a 5% reduction of entire departmental budget. (RH)
11. Regarding MAPPS:
  - a. What is the current status of the HR Payroll/Workday Program implementation, including as it relates to payroll, leaves, and vacation?

- b. What is the current status of the IFIS upgrade for projects?
  - c. What is the current state of the County's cyber security programs? (RH)
- 
- 12. If Council finds that due to the current COVID-19 crisis, a budget reduction is required, how would the Department propose to implement the needed cuts – are there specific programs that the Department would discontinue? Would the department delay or cancel planned “external” costs (e.g., professional services) (TK)?
  - 13. Given the current worldwide pandemic and its effect on the local economy, please suggest cuts that can be made to the Mayor's proposal for the Department of Corporation Counsel. (TP)
  - 14. Please list the specialties of each Deputy Corporation Counsel. Ex. Bonds, Land Use, etc. (Pages 1-4, 1-5, Budget Details 905125A: Corporation Counsel/Deputies and Pages 88, 89, and 93, Program Budget) (TP)
  - 15. Please explain how the Countywide Health and Safety Compliance Training will be done. (Page 1-9, Budget Details, 905310B-6132: Risk Management and Page 94, Program Budget) (TP)
  - 16. Please provide an update on the progress of the percentage of BOE opinions published and available online for FY20. (Page 92, Program Budget and Page 1-7, Budget Details 905018B-6132: Legal Services Administration) (TP)
  - 17. Starting from what year will BOE opinions be published and available? How far back do we need to go? (Page 92, Program Budget and Page 1-7, Budget Details 905018B-6132: Legal Services Administration) (TP)
  - 18. Given the current worldwide pandemic and the shutdown of out of state travel, please explain the budgeted increase for travel and provide an update of FY20 expenditures to date. (Page 90 and 95, Program Budget and Page 1-7, 1-10, Budget Details 905018B-6201, 905312B-6201: Legal Services Administration/Health and Wellness) (TP)

19. Are all Department employee evaluations up to date? Who evaluates Deputy Corporation Counsel for: paying attention during Committee, Commission and Council meetings? Are there consequences for not paying attention and repeatedly asking for questions to be repeated and then answering a different question instead of the question that was asked or answering with incorrect information? (TP)
20. Please provide position description, summary of duties and minimum qualifications for Private Secretary. (Page 1-3 of Budget Details 905018A) (TP)
21. Please explain if this work is to be done in-house by new temporary staff, or as a temporary assignment by existing staff. Please include a timeline for this project in your response. (Page 1-7 of the Budget Details, Index Code 905018B-6132) (KRF)
22. Please provide specific details for the annual security maintenance contract. (Page 1-8 of the Budget Details, Index Code 905020B-6132) (KRF)
23. What is involved in the annual security maintenance? What buildings maintenance? Is it on contract? (Page 1-8, detail, 9050228 B, 6132 Prof. Services, \$220,000) (YLS)
24. How many incidents has the County had at Kalana O Maui building to warrant this? (Page 1-8. detail, 6146 Security services, \$200,000) (YLS)
25. Health and Wellness new program in FY 2021. Please describe what this program will achieve and goals to incur this additional \$31,500. Is this also part of the Risk Management \$75,000 Countywide Health and Safety Compliance training for all County Employees? Pages 1-10 and 10-11, Budget Details:
  1. 905312B, 6035 Misc Supplies, \$9,750
  2. 905312B, 6129 Other Scv, \$5,500
  3. 905312B, 6132 Prof. Services, \$4,750
  4. 905312B, 6201 Airfare Transportation, \$4,750
  5. 905312B, 6212 Dues, \$400
  6. 905312B, 6221 Misc. Other Cost, \$4,200

- 7. 905312B, 6222 Per Diem No Reportable, \$200
- 8. 905312B, 6223 Per Diem Reportable Non-Taxable, \$200
- 9. 905312B, 6230 Registration/Training, \$1,750

\$31,500.00, Subtotal. (YLS)

- 26. Legal services program- Details, page 94, Index code 905018B, 6132, Professional Services: "Additional funding for scan Board of Ethics opinions and making them available for public to view online."
  - a. Will the \$7,000 additional funding go towards a certain website or platform in order to view online?
  - b. What is the general upkeep cost for this? (MM)
- 27. Details, page 94, Index code 905022B, 6132, "Funding for annual security maintenance contract."
  - a. Can you share a breakdown of what the maintenance plan entails?
  - b. Will this go towards any maintenance of the actual x-ray machine? (MM)

Category "C" – Equipment

- 28. The Equipment budget is increasing by 162.4% in FY 2021, from \$103,145 in FY 2020 to \$270,645 in FY 2021. (Page 90 of the Program Budget). Anticipated purchases include 54 commercial large air purifiers for the County Building, security equipment for Waikapu, and a security system for the Wailuku Baseyard. Explain these equipment purchases. (Page 95 of the Program Budget) (ALL)
- 29. What computer software is needed? Is this an annual expense that started in 2020? (Page 1-10, Budget Details 905310B-6244: Risk Management) (TP)

30. What does security entry hardening of the 1st, 2nd and 3rd floors entail? (Page 1-8, Budget Details 905022B-6221: County Facilities Security) (TP)
31. Please explain more about the Commercial large air purifiers for the County Building. (Page 1-12, Budget Details, 905310C-7039: Risk Management) (TP)
32. Please explain the security equipment and system for Waikapu and Wailuku Baseyard (Page 1-12, Budget Details 905310C-7044/7051: Risk Management). (TP)
33. Why is the appropriation for security equipment approved in FY 2020 not be continued? Does the Department have all of the security equipment needed? (Page 94 of the Program Budget, 905022C-7501) (TK)
34. Explain the need for 54 Commercial Large Air Purifiers for County Building. Does the equipment cost include installation or are existing County staff performing the installation? (Page 95 of the Program Budget, 905310C-7039) (TK)
35. Where will the 54 air purifiers be located? (Page 1-12 of the Budget Details, Index Code 905310C-7039) (KRF)
36. What kind of security equipment is being purchased for Waikapu? (Page 1-12 of the Budget Details, Index Code 905310C-7044) (KRF)
37. Is the proposed funding to replace, increase, or purchase new equipment for the Wailuku Base yard? (Page 1-12 of the Budget Details, Index Code 905310C-7051) (KRF)
38. What is this project what for? Where is this in Waikapu? (Page 1-12, detail, 905310C, 7044 Other Equipment, \$150,000) (YLS)
39. Does the baseyard have an existing system? Is there a need for a new security system? (Page 1-2, detail, 905310c, 7051 Security Equipment, \$45,000) (YLS)
40. Please state your justification for funding the installation of an x-ray machine for the second floor of the Kalana O Maui Building

and your plan for securing other entrances, such as the ground floor. (Page 1-8 of the Budget Details, Index Code 905022B, Sub-Object Code 6146 Security Services) (KTK)

41. Details, page 94, Index code 90522B, 6146, is there an x-ray machine already purchased or will part of the \$200,000 be towards the machine?
  - a. If machine is being purchased, please share how much the machine will cost.
  - b. Any comments on the cost of yearly upkeep maintenance for the x-ray machine?
  - c. In the comments under 905022B, 6146 it states "installation of x-ray machine on 2<sup>nd</sup> floor..." I am curious to know if the basement access point will be addressed as well? (MM)

#### Program Goals & Objectives

42. Under "Key Activity Goals & Measures," Goal 1, Objective 2, states that the Department wants to close one claim for every new claim filed (a ratio of 1:1 or better e.g., 1:0.8). The FY 2020 estimate and the FY 2021 estimate are worse than the target. Why? Is the FY 2019 actual of 1:01 a typo? (Page 91 of the Program Budget) (TK)
43. Under "Key Activity Goals & Measures," Goal 1, Objective 4, states that the Department wants to validate savings of FAST TRACK on GL and AU program fees. The FY 2019 actual is over 4 times as high as the FY 2020 and FY 2021 estimates. Why does the Department assuming the savings will occur to a lesser extent than actual values indicate? (Page 91 of the Program Budget) (TK)
44. Please explain Security services and how security on ground floor entrance will be addressed given a lot of times workplace violence threats are internal. What key activity goal does this address? (Page 1-8, the Budget Details, 905022B-6146/County Facilities Security and Page 94, Program Budget). (TP)
45. Please explain about the Health and wellness program. What key activity goal does this address? (Page 1-11, Budget Details 905312B-

Ms. Moana Lutey  
April 2, 2020  
Page 8

6129,6132: Health and Wellness and Page 94, Program Budget).  
(TP)

46. Please provide an update on the progress for Goals 3, 4, and 5 for FY20. (Page 92, Program Budget: Legal Services Program). (TP)

Sincerely,



KEANI RAWLINS-FERNANDEZ, Chair  
Economic Development and Budget  
Committee

edb:2021budget:200401acc01:jbf

cc: Mayor Michael P. Victorino  
Budget Director

Council Chair  
Alice L. Lee

Vice-Chair  
Keani N.W. Rawlins-Fernandez

Presiding Officer Pro Tempore  
Tasha Kama

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April 9, 2020

Ms. Michele Yoshimura, Budget Director  
Office of the Mayor  
County of Maui  
Wailuku, Hawaii 96793

Dear Ms. Yoshimura:

**SUBJECT: FISCAL YEAR ("FY") 2021 BUDGET (BD-2) (EDB-1)**

May I please request copies of all notes used by department directors and other Administration officials to respond to Councilmembers' questions during Economic Development and Budget Committee meetings on EDB-1. This will enable the Committee to comprehensively review the FY 2021 Budget.

May I further request that you transmit your responses no later than five calendar days after the Department's review before the Committee.

To ensure efficient processing, please duplicate the coding in the subject line above for easy reference. Should you have any questions, please contact me or the Committee staff (Shelly Espeleta at ext. 7134, Chester Carson at ext. 7659, Richard Mitchell at ext. 7662, or Yvette Bouthillier at ext. 7758).

Sincerely,

A handwritten signature in black ink that reads "Keani Rawlins-Fernandez".

KEANI RAWLINS-FERNANDEZ, Chair  
Economic Development and Budget  
Committee

edb:2021budget:200409abd01:ske

cc: Mayor Michael P. Victorino

Michael P. Victorino  
Mayor

Sananda K. Baz  
Managing Director



**OFFICE OF THE MAYOR**  
COUNTY OF MAUI  
200 S. HIGH STREET  
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[www.mauicounty.gov](http://www.mauicounty.gov)

April 13, 2020

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

APPROVED FOR TRANSMITTAL

*Michael P. Victorino* 4/13/20  
\_\_\_\_\_  
Mayor Date

For Transmittal to:

Honorable Keani N.W. Rawlins-Fernandez, Chair  
Economic Development and Budget Committee  
200 South High Street  
Wailuku, Hawaii 96793

Dear Chair Rawlins-Fernandez:

SUBJECT: **FISCAL YEAR ("FY") 2021 BUDGET** (BD-2) (EDB-1)

Please see attached response from Corporation Counsel Moana Lutey,  
Department of the Corporation Counsel.

Should you have any questions, please contact me at ext. 7212.

Sincerely,

A handwritten signature in purple ink, reading "Michele M. Yoshimura".

MICHELE M. YOSHIMURA  
Budget Director

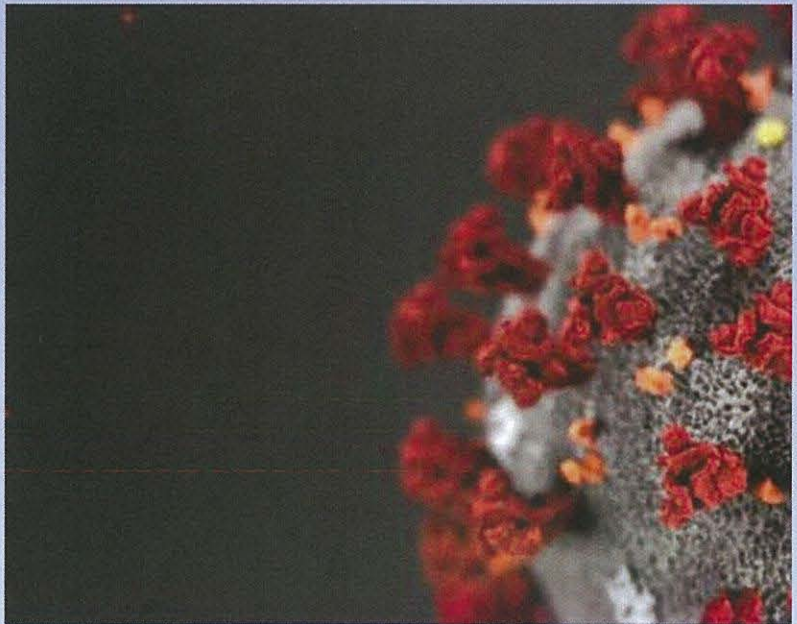
Attachment

# Department of the Corporation Counsel



## Corporation Counsel's Coronavirus Response

- Emergency Proclamations
- Maui County's Emergency Rules & Guidance
- Fielding questions from Departments, Public
- Coordinating with State Attorney General and other Hawaii counties
- Conversion of document processing to electronic – decrease expense, avoid personal contact
- Implement tele-work and staggered schedules



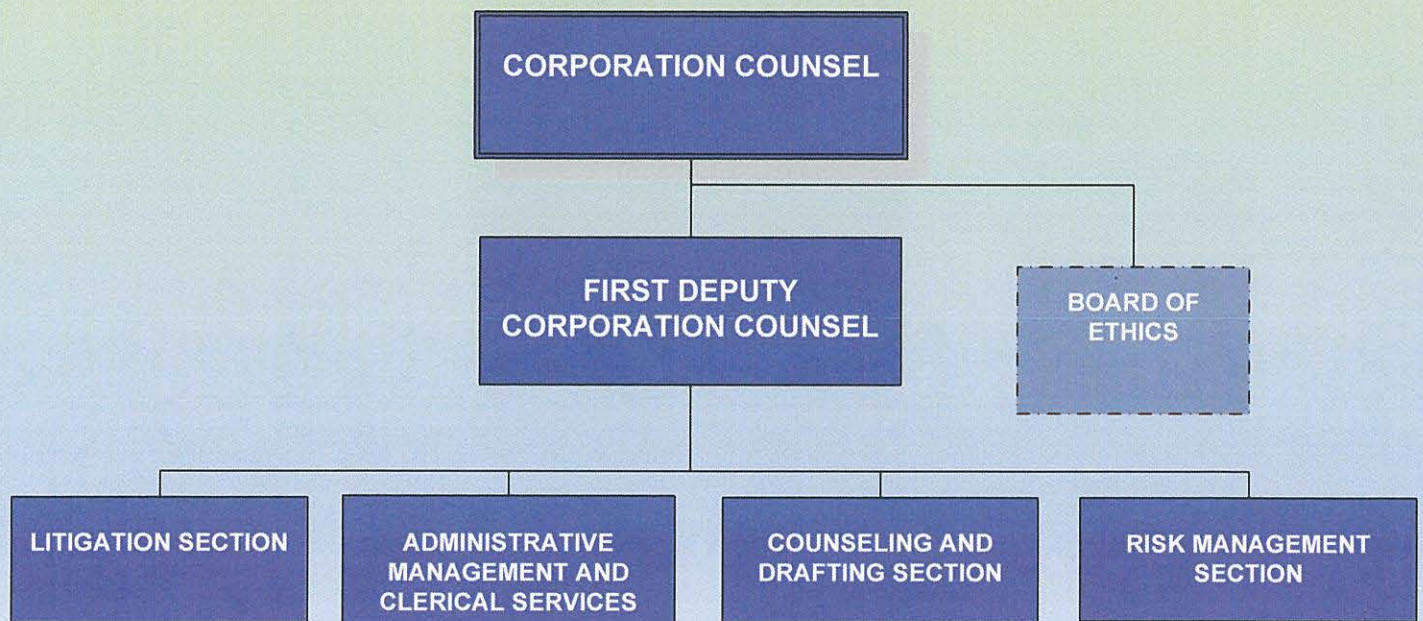
# Mission

*The Department of the Corporation Counsel supports County government as chief legal advisor and legal representative for the County of Maui, the Council, Mayor, all departments, boards and commissions, and officers and employees in matters relating to their official duties.*

## Countywide Policy Plan

- The Department provides legal advice and support to achieve key strategies and principles of the Countywide Policy Plan, including:
  - Protect the natural environment and cultural resources through appropriate training and legal advice related to implementation of County ordinances and statutory requirements
  - Ensure that laws, policies, and regulations are internally consistent and effectuate the intent of the Charter, implementing ordinances, and other legal requirements
  - Support the departments' compliance with, and enforcement of, county, state, and federal laws
  - Provide efficient, effective, and responsive legal service

# Organization



## Litigation Division

- The Litigation Division is staffed by eight deputy positions, as well as two legal assistants, and one investigator, who handle claims and representation in litigation matters to the Council, Mayor, County employees, departments, commissions and boards relating to their official duties, including:
  - Labor-related and tort litigation as well as land, water, environmental, and complex litigation
  - Conducting complex internal personnel and employment-related investigations

## Counseling & Drafting

- The Counseling and Drafting Division is staffed by nine deputy positions, including the First Deputy Corporation Counsel. This division provides a variety of legal counseling and drafting services to the council, mayor, County employees, departments, commissions, and boards related to their official duties, including:
  - Services relating to planning, land use, public works, environmental management, water, and public infrastructure
  - Services relating to finance, public safety, human resources, and other matters
  - Advising and training boards and commissions



## Risk Management

The Risk Management Division is staffed by a Risk Management Officer, a Loss Control Specialist, two Safety Specialist III, one Safety Specialist II, and an Insurance and Claims Assistant II.

Risk Management assists in the protection of the County's personnel and physical assets through a mix of loss control, risk retention, and risk financing activities.

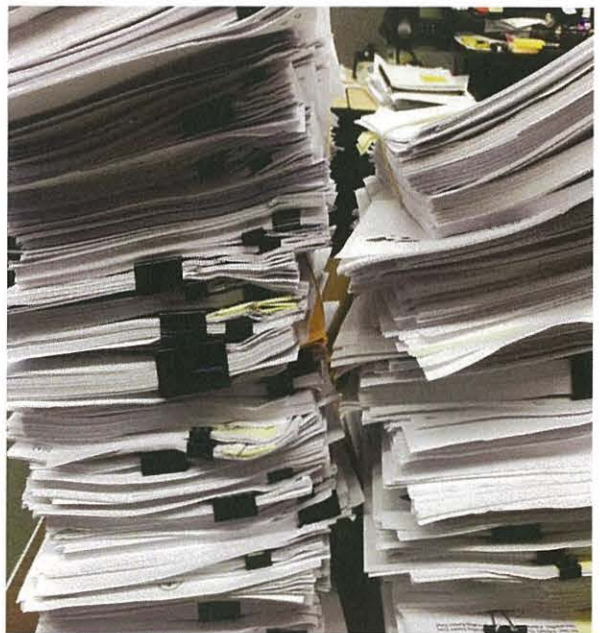
### Risk services include:

- Employee training in health and safety best practices, regulatory compliance, and emergency management
- Administration of worker's compensation, third-party general liability claims, and temporary disability insurance (TDI) claims
- Insurance procurement/portfolio management  
County campus security, including camera installation and the security equipment maintenance program

## Administrative Management & Clerical Division

The Administrative Management and Clerical Services Division is staffed by an Administrative Assistant II, two Law Technicians II, six Law Technicians I, and one Legal Clerk III. Services include:

- Management of departmental clerical support operations
- Budget formulation and implementation
- Clerical support for 17 deputies representing the Litigation and Counseling and Drafting divisions

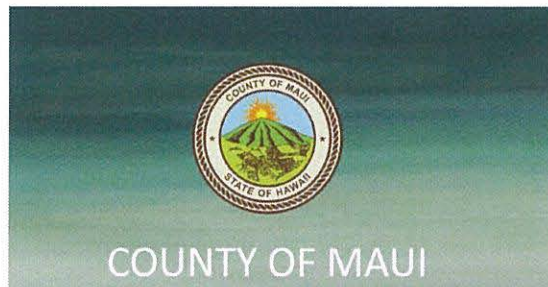


# Legal Matters Expertise

- Contract/procurement
- Land use; planning, zoning, permitting, subdivision, building codes, district boundary amendments, entitlements, special use permits, etc.
- Water
- Environmental impact statements
- Environmental law
- Property
- U.S. Constitutional law/claims
- Elections
- Emergency management
- Leases, licenses, deeds
- Tax appeals
- Tort litigation
- UIPA – records requests
- Workers' Comp
- Insurance adjusting/claims
- Labor/employment; civil service
- Grievances (HGEA, UPW, SHOPO, Fire)
- Hawaii Labor Relations Board
- Interest arbitration
- ADA compliance
- Animal control
- Bankruptcy
- Code of Ethics
- Budget/financing
- Collections/enforcement
- Civil claims
- Municipal finance

## Board, Commission, & Employee Training

- Sunshine Law
- UIPA records requests
- ADA compliance
- Contested case procedure
- Administrative law; rulemaking
- Equal Employment Opportunity
- Discrimination
- Fair Labor Standards Act
- Police matters
- Land use
- Case law relevant to board/commissions' duties/powers
- Water law
- Indigenous rights



# COUNTY OF MAUI

FY 2021 MAYOR'S PROPOSED BUDGET

## DETAIL BUDGET SUMMARY BY DEPARTMENT AND FUND TYPE

Department: CORPORATION COUNSEL

Fund: GENERAL FUND

Program/ Character	FY 2018 Actual	FY 2019 Actual	FY 2020 Adopted	FY 2021 Proposed	Change Amount	Change Percent
<i>Legal Services Program</i>						
Salaries and Wages	\$ 3,208,637	\$ 3,288,886	\$ 3,472,131	\$ 3,534,753	\$ 62,622	1.8%
Operations	\$ 515,462	\$ 830,052	\$ 685,791	\$ 1,053,291	\$ 367,500	53.6%
Equipment	\$ 8,144	\$ 1,406	\$ 103,145	\$ 270,645	\$ 167,500	162.4%
<b>Program Total</b>	<b>\$ 3,732,243</b>	<b>\$ 4,120,344</b>	<b>\$ 4,261,067</b>	<b>\$ 4,858,689</b>	<b>\$ 597,622</b>	<b>14.0%</b>
<b>Program Total - E/P</b>	<b>37.5</b>	<b>37.5</b>	<b>37.5</b>	<b>38.5</b>	<b>1.0</b>	<b>2.7%</b>
<b>FUND TOTAL</b>	<b>\$ 3,732,243</b>	<b>\$ 4,120,344</b>	<b>\$ 4,261,067</b>	<b>\$ 4,858,689</b>	<b>\$ 597,622</b>	<b>14.0%</b>
Salaries and Wages	\$ 3,208,637	\$ 3,288,886	\$ 3,472,131	\$ 3,534,753	\$ 62,622	1.8%
Operations	\$ 515,462	\$ 830,052	\$ 685,791	\$ 1,053,291	\$ 367,500	53.6%
Equipment	\$ 8,144	\$ 1,406	\$ 103,145	\$ 270,645	\$ 167,500	162.4%
<b>FUND TOTAL - E/P</b>	<b>37.5</b>	<b>37.5</b>	<b>37.5</b>	<b>38.5</b>	<b>1.0</b>	<b>2.7%</b>

Notes: True sum may be different due to rounding.

# FISCAL YEAR ("FY") 2021 BUDGET (CC-1) (EDB) RESPONSES

**MICHAEL P. VICTORINO**  
Mayor

**MOANA M. LUTEY**  
Corporation Counsel

**EDWARD S. KUSHI, JR.**  
First Deputy

**LYDIA A. TODA**  
Risk Management Officer



DEPARTMENT OF THE CORPORATION COUNSEL  
COUNTY OF MAUI

200 SOUTH HIGH STREET, 3<sup>RD</sup> FLOOR  
WAILUKU, MAUI, HAWAII 96793

EMAIL: [CORPCOUN@MAUICOUNTY.GOV](mailto:CORPCOUN@MAUICOUNTY.GOV)

TELEPHONE: (808) 270-7740

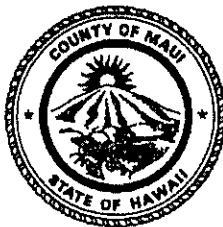
FACSIMILE: (808) 270-7152

MICHAEL P. VICTORINO  
Mayor

MOANA M. LUTEY  
Corporation Counsel

EDWARD S. KUSHI, JR.  
First Deputy


LYDIA A. TODA  
Risk Management Officer  
Tel. No. (808) 270-7535  
Fax No. (808) 270-1761



DEPARTMENT OF THE CORPORATION COUNSEL  
COUNTY OF MAUI  
200 SOUTH HIGH STREET, 3<sup>RD</sup> FLOOR  
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TELEPHONE: (808) 270-7740  
FACSIMILE: (808) 270-7152

April 13, 2020

MEMO TO: Keani Rawlins-Fernandez, Chair  
Economic Development and Budget Committee

FROM: Moana M. Lutey, Corporation Counsel 

SUBJECT: FISCAL YEAR ("FY") 2021 BUDGET (CC-1) (EDB-1)

In response to your letter dated April 2, 2020, please see the Department of the Corporation Counsel's ("Department") responses in bold below.

Category "A" – Salaries & Wages

1. Provide vacancy and overtime reports for entire Department. (RH)

**Response:** As of the date of this memo, we have the following vacancies:

**P-25523** – Deputy Corporation Counsel – Counseling & Drafting

For the IFAS printout of OT paid up to and including the date of this report, please see **Exhibit A**.

2. What amount from the General Fund was used to offset federal grants program personnel and benefits? Please provide details of position type, amounts, and grant name. (RH)

**Response:** The Department does not receive federal grants.

3. Please provide the SR/ step and dollar amount allotted for all Position titles within the Department of Corporation Counsel and indicate which Position titles are vacant, if any. Information missing from the Budget Details. (TP)

**Response:** Vacant position: P-25523 Deputy Corporation Counsel (Counseling and Drafting). Please see Exhibit B.

4. We understand that the premium pay budget for FY21 is being increased. There was a dramatic increase in actual premium pay costs between FY 18 and FY 19. What is the current trend for FY 20? What is being done to address the trend? If full control of premium pay is not likely, why not budget more? (Page 90 of the Program Budget) (TK)

**Response:** In the last two fiscal years, the Department had increased OT for BU clerical staff to scan a tremendous number of files so that the Department's electronic case management system could be updated. The Department has almost completed scanning. As such, the FY20 OT has been drastically reduced. Specifically, as of March 31, 2020, the Department has only paid \$913.00 in OT. See Exhibit A.

The additional funds requested for premium pay in the FY2021 proposed budget are to ensure proper funds are available for our BU Risk staff who are called in times of emergencies and work overtime in emergency events.

5. Please provide further explanation details for the proposed Security Manager expansion position (estimated amount of fringe and premium pay included). What is the purpose for the expansion position? (Bottom of page 1-5 of the Budget Details, Index Code P-xxxx (Safety Specialist III)) (KRF)

**Response:** A Safety Specialist III position (SR24C) annual pay would be \$59,616. The current budgeted amount is for a partial year, as we will need time to recruit. The purpose of a Security Program Manager is to have a designated, educated and experienced employee focused on the Countywide Security Program for the County of Maui, which does not presently exist. Fundamentally, while related, a Security Program and Safety Specialists are different disciplines, with different job descriptions and duties. Currently two Safety Specialists are assisting outside of their normal responsibilities with capturing camera footage for departments with incidents, managing the countywide security maintenance program, assisting with department security camera and

badge access requests, and trying to implement two County Council driven programs (Money Exchange Cameras (95% complete) and 2<sup>nd</sup> Floor Kalana O Maui security screening implementation (25% complete).

The countywide security program should include a dedicated Security Program Manager, provided with the resources to develop the needed security program guidelines, procedures, forms, threat analysis and mitigation strategies, and maintenance of security threat mitigation infrastructure. It is the Department's intention to work on reclassification of the Safety Specialist III position to create a Security Manager position, which currently does not exist anywhere in the State of Hawaii's classification system.

6. Please explain the need for a Security Manager. We already have 2 Safety Specialist III and a Safety Specialist II. Please also provide the position description, summary of job duties, and minimum qualifications. (Page 1-5, Budget Details, 9053 IOA: Risk Management, and Page 93, Program Budget) (TP)

**Response:** Please see response to Question 5. The Safety Specialist II Position No. P-29890 was reallocated to a Safety Specialist III in December 2019. As a result, we now have three Safety Specialist IIIs. Job duties and minimum qualifications provided. See Exhibit C.

Safety Specialists are not trained, qualified, nor experienced to handle security – there is minimal overlap between the disciplines of security and safety programs. There are no position descriptions and responsibilities/duties for Safety Specialists related to security operations. The proposed Security Manager should be qualified to address the growing need to protect County employees and systematically implement improvements to the program, guidelines, and systems. Whether the position and responsibilities are housed within Risk Management or within another department or division, the recommendation is that the County addresses the shortfalls in its security program on a systematic Countywide basis. We recommend that Council consider not only the Safety Manager position, but additionally understand that filling the position would be an important first step, followed by implementing the Security Program, which will require further ongoing funding.

7. Please provide Position Description, minimum qualifications, summary of duties, SR rating and Step for: Risk Management Officer, Loss

Control Specialist, Safety Specialist II/III and Insurance and Claims Assistant II. (Page 1-5, Budget Details 90530 IA: Risk Management and Page 88 and 93, Program Budget)(TP)

**Response:** Please see the following position descriptions: Risk Management Officer Exhibit G; Loss Control Specialist Exhibit H; and Safety Specialist III Exhibit C; and Insurance and Claims Assistant See Exhibit I. Please see the Department's FY2021 Proposed Budget Details page 1-5.

8. The Department is proposing one expansion position for a Safety Specialist III. Provide the justification for this position. (Page 93 of the Program Budget). (ALL)

**Response:** The current classification system for the State of Hawaii does not provide for a security manager position. As a result, the closest classification for this position would be a Safety Specialist III. This position would handle the security program for the County of Maui. Please see detailed responses to Questions 5 and 6.

9. Please provide further explanation details for the proposed security services funding. How many guards? Work hours? How would the parking garage entrance on the 1<sup>st</sup> floor be addressed? (Page 1-8 of the Budget Details, Index Code 905022B-6146) (KRF)

**Response:** The 905022B-6146 security services funding is for contracting two guards to operate the security screening at the Kalana O Maui building's second floor (lobby) entry point for unknown and non-badged entrants to the County building. Two guards will keep the line moving quickly during busy times, provide relief for each other for breaks and lunch, and provide backup during incidents. The normal screening operations will mimic the normal hours of operation at Kalana O Maui 7:45 a.m. to 4:30 p.m. Employees who are known entities and identified by their badge will have access to the ground floor entrances and Wells Street stairwells as required for their positions. Permanent contractors will also have access to operate as allowed by the Managing Director's office.

#### Category "B" - Operations

10. Provide recommendations for a 5% reduction of entire departmental budget. (RH)

**Response:** 5% of the Department's proposed FY2021 budget is approximately \$194,347.56. If the Department is required to reduce its budget by 5%, the following reductions would be recommended:

- 1) Stop performing annual maintenance of security cameras and badge access systems by having departments manage their own network and problems when they arise. Savings of \$200,000.
- 2) Do not have guards or security screening at Kalana O Maui.
- 3) Eliminate the following new projects:
  - a. Air Purifiers, savings of \$50,000;
  - b. eLearning, savings of \$75,000;
  - c. Wellness program budget – eliminate travel to Lanai, Molokai and Hana savings of \$30,000.
- 4) Remove Board of Ethics Web page and scanning project. Savings of \$7,000.
- 5) Reduce the travel budget.

11. Regarding MAPPS:

- a. What is the current status of the HR Payroll/Workday Program implementation, including as it relates to payroll, leaves, and vacation?

**Response:** The Department utilizes Workday as implemented by Finance and Personnel Services.

- b. What is the current status of the IFIS upgrade for projects?

**Response:** Not applicable.

- c. What is the current state of the County's cyber security programs? (RH)

**Response:** Please address this question to the Information Technology Division. Corporation Counsel procures cyber risk insurance but does not manage the cyber security program.

12. If Council finds that due to the current COVID-19 crisis, a budget reduction is required, how would the Department propose to implement the needed cuts — are there specific programs that the Department would discontinue? Would the department delay or cancel planned "external" costs (e.g., professional services) (TK)?

**Response:** The Department would recommend eliminating the request for security guards, as the building would be closed to the public if the COVID19 crisis continues. See response to Question 10.

13. Given the current worldwide pandemic and its effect on the local economy, please suggest cuts that can be made to the Mayor's proposal for the Department of Corporation Counsel. (TP)

**Response:** Please see response to Question 10.

14. Please list the specialties of each Deputy Corporation Counsel. Ex. Bonds, Land Use, etc. (Pages 1-4, 1-5, Budget Details 905125A: Corporation Counsel/ Deputies and Pages 88, 89, and 93, Program Budget) (TP)

**Response:** All deputies in each section (Litigation or Counseling and Drafting) are expected to be able to cover for any deputy in their section. As a result, there is no "specialty". Instead, individual attorneys may have more experience in a specific area due to interest, training, or assignment. Attached is a copy of the Department's Attorney Assignment listing. See Exhibit D.

**Note:** This list is not exhaustive and changes regularly.

15. Please explain how the Countywide Health and Safety Compliance Training will be done. (Page 1-9, Budget Details, 90531OB-6132: Risk Management and Page 94, Program Budget) (TP)

**Response:** The proposed Countywide Health and Safety Compliance training is an effort to holistically address employee training by improving course offerings, tracking, delivery, consistency and limiting the need for students and/or instructors from traveling and scheduling limitations. Target Solutions offers municipality training where OSHA and other approved trainings are developed for Police, Fire, Water, DEM, Public Works, etc. The course catalog contains over 2000 courses with an additional 2,500 through their Red Vector community. Honolulu has implemented this training with great success. The Maui Fire Department is currently implementing and would roll into the countywide program in FY2021. The normal cost per employee for one-year of unlimited training is \$107/employee but if the program is coordinated, the cost goes down to \$35/employee/year. It makes tax payer sense to spend \$35 a year to make our workforce more effective and less likely to be injured.

The training provides far more than HIOSH compliance training. Risk Management recommends getting ahead of issues through implementing this training program Countywide, which should result in increased compliance, decreased violations, and overall improvement in employee safety. An interactive course listing is available at: <https://www.targetsolutions.com/online-training-catalogs/> - the list is very impressive, including a host of productivity and management/leadership courses in addition to very specific task related instruction.

**Note:** OSHA regulatory classes can be done as mixed learning sessions where the employee can take the online course and, within a short period of time, attend a short instructor led course to ask questions, practice or demonstrate skills, or get additional instruction specific to their job/task. The most effective means of implementing the program is to have the employees take several online courses at their own timing and pace and then coordinate an in-person session after the online training to maintain effectiveness.

**Risk Management** intends to roll out the priority 1000-1500 employees in the first year to test effectiveness, learn from mistakes, integrate into Workday and ensure that the tool is as effective as other Hawaii municipalities believe it to be.

16. Please provide an update on the progress of the percentage of BOE opinions published and available online for FY20. (Page 92, Program Budget and Page 1-7, Budget Details 905018B-6132: Legal Services Administration) (TP)

**Response:** This is a FY2021 goal/objective. See Exhibit E.

17. Starting from what year will BOE opinions be published and available? How far back do we need to go? (Page 92, Program Budget and Page 1-7, Budget Details 905018B-6132: Legal Services Administration) (TP)

**Response:** The goal is to have the opinions online by June 2021. The intention is that all advisory opinions be made available for public reference and be searchable by keywords. There is currently no cataloging of opinions. Opinions go back to 1977. See Exhibit E.

18. Given the current worldwide pandemic and the shutdown of out of state travel, please explain the budgeted increase for travel and provide an update of FY20 expenditures to date. (Page 90 and 95, Program Budget and Page 1-7, 1-10, Budget Details 905018B-6201, 905312B-6201: Legal Services Administration/ Health and Wellness) (TP)

**Response:** Under index 905018B-6201, the Department has not requested an increase and has budgeted flat. The travel for the Health and Wellness expansion request was for attendance at a National Health and Wellness Conference in July by one Safety Specialist III. With the current state of the nation, the conference will likely be cancelled.

19. Are all Department employee evaluations up to date? Who evaluates Deputy Corporation Counsel for: paying attention during Committee, Commission and Council meetings? Are there consequences for not paying attention and repeatedly asking for questions to be repeated and then answering a different question instead of the question that was asked or answering with incorrect information? (TP)

**Response:** Not all evaluations have been completed; however, performance issues are addressed immediately. We have not received complaints of employees not paying attention, repeatedly asking for questions to be repeated or answering a different question. A complaint was made about an answer with an inaccurate response and that was addressed immediately, after video review of the committee meeting.

20. Please provide position description, summary of duties and minimum qualifications for Private Secretary. (Page 1-3 of Budget Details 905018A) (TP)

**Response:** Please see Exhibit F.

21. Please explain if this work is to be done in-house by new temporary staff, or as a temporary assignment by existing staff. Please include a timeline for this project in your response. (Page 1-7 of the Budget Details, Index Code 905018B-6132) (KRF)

**Response:** The Department intends to work with an outside company to manage the bulk of the scanning. We believe that will be the most economical route. For more details, see Exhibit E.

22. Please provide specific details for the annual security maintenance contract. (Page 1-8 of the Budget Details, Index Code 905020B6132) (KRF)

**Response:** The County of Maui Maintenance agreement with Security Resources, Inc. covers the entire integrated security system at the County of Maui including the platform, subsystems and individual equipment. Security equipment, cameras, etc., would transfer to the maintenance program following the one-year warranty period.

**The plan includes:**

1. Labor and parts required to maintain the existing system for County of Maui locations during business hours, Monday through Friday from 8 a.m. to 4 p.m., with a response by telephone within one hour and a response to site between 8 and 16 hours from initial notification based on site location. For clarification, Security Resources shall provide service during the business hour, schedule, or at the earliest practicable opportunity, without triggering an after-hours call unless authorized in writing by the County.
2. Security Resources shall contact the Officer in Charge in advance of maintenance service.
3. Semi-annual physical inspection of the County system and system operations, followed by a report to the County detailing anticipated maintenance or replacement issues.
4. Bi-monthly cleaning of cameras installed at all beach park locations.
5. At least monthly remote routine diagnostic inspection of the County system.
6. All travel for repair, maintenance, inspection, and cleaning conducted during the business hour schedule, even if such travel occurs outside the business hour schedule.
7. Training of County personnel on equipment testing or diagnostic protocol as well as routine maintenance or cleaning that may be provided by County personnel.
8. Security Resources shall provide a monthly statement of all services, maintenance, and replacement or installation to the Officer in Charge.
9. All installation of new equipment or replacement equipment for which the County will incur a charge must be approved in advance by the Officer in Charge and may require an amendment to the Contract.

Security Resources warrants that all new equipment will be free from defects in material and workmanship for a twelve-month period following the date of installation. During the initial warranty period, defective equipment will be replaced with new (not refurbished) equipment during the business hour schedule, or if replacement is conducted during after-hours schedule, no additional charges shall be incurred.

23. What is involved in the annual security maintenance? What buildings maintenance? Is it on contract? (Page 1-8, detail, 9050228 B, 6132 Prof. Services, \$220,000) (YLS)

**Response:** See response to Question 22.

24. How many incidents has the County had at Kalana O Maui building to warrant this? (Page 1-8. detail, 6146 Security Services, \$200,000) (YLS)

**Response:** The security maintenance contract is for breakdowns such as cameras becoming inoperable, badge door access issues (i.e., card reader not working due to parts, battery, programming, etc.), problems with recording NVR devices, gates being hit or not working, cameras being dirty from wind, dirt, smoke, salt spray, etc. There are hundreds of incidents a year of maintaining our equipment, most minor.

25. Health and Wellness new program in FY 2021. Please describe what this program will achieve and goals to incur this additional \$31,500. Is this also part of the Risk Management \$75,000 Countywide Health and Safety Compliance training for all County Employees?

Pages 1-10 and 10-11, Budget Details:

1. 905312B, 6035 Misc. Supplies, \$9,750
2. 905312B, 6129 Other scv, \$5,500
3. 905312B, 6132 Prof. Ser./ices, \$4,750
4. 905312B, 6201 Airfare Transportation, \$4,750
5. 905312B, 6212 Dues, \$400
6. 905312B, 6221 Misc. Other cost, \$4,200
7. 905312B, 6222 Per Diem No Reportable, \$200
8. 905312B, 6223 Per Diem Reportable Non-Taxable, \$200
9. 905312B, 6230 Registration/Training, \$1,750

\$31,500.00, Subtotal. (YLS)

**Response:** The Workplace Wellness Program seeks to cultivate an environment supportive of health promoting policies and procedures, and encourages employees to take action to improve their overall wellbeing. More specifically, the County of Maui looks to build and maintain workplace environment and culture that supports employee health and overall wellness.

The benefits of a workplace Wellness Program have been researched extensively and show that for every dollar spent on wellness programs, organizations gain \$3-\$4. The CDC estimates that productivity loss from missed work is approximately \$1685 per employee per year. Maintaining a healthier workforce can lower direct costs such as insurance premiums and worker compensation claims, and positively impact many indirect costs such as absenteeism and work productivity. A workforce that is healthy, both physically and mentally, performs better and is more productive.

While the addition of this program to the FY 2021 budget affects the overall budget, the cost savings in the future could greatly outweigh the initial financial burdens. The wellness program looks to reduce the effects of lifestyle factors on our workforce and reduce preventable conditions. Obesity, smoking, poor diet and low physical activity are contributing factors to all of the top ten diseases that workers suffer from yearly. Integrating wellness workshops that discuss heart disease, stress management, mental health and physical fitness will provide employees the knowledge to change their lifestyle to live better.

**The goals of the workplace Wellness Program are:**

1. Create programs to ensure that the County of Maui is supporting a work environment that promotes health and wellness.
2. Encourage employees to be physically active and conscious of their wellbeing.
3. Provide and promote healthy food options and ideas for healthy meetings.
4. Support mental health resources, services and training to ensure a stigma free work environment.
5. Offer resources to assist with the management of physical, emotional, mental, financial, occupational and social stressors.

6. Create an employee-centered culture of health.

The Wellness Program began in October 2019 when the Managing Director's office asked Risk Management to take over the program. Since October, Risk has offered multiple wellness related workshops and seminars for employees on a variety of topics. Risk has developed a relationship with Blue Zone Hawaii-Central Maui and credits much of the programs current success to the ideas and suggestions that Blue Zone has made.

The County of Maui is currently working to become a certified Blue Zone worksite, which would make it the largest employer in the County of Maui to hold the certification. The workplace wellness program also works with Vitality Wellness to bring stress reducing stretching and deep breathing workshops to employees. Monthly information workshops have been presented by Worklife Hawaii, Maui County Federal Credit Union and Sol Chiropractic, encompassing mental, financial, and physical health into the workplace.

For FY2021, the workplace Wellness Program looks to expand its reach to employees in Hana, Molokai and Lanai. Risk is working with the IT department to broadcast the wellness workshops on BlueJeans so that employees in remote locations can also benefit from the information presented. The Wellness Program also looks to bring a wellness day to Hana, Molokai, and Lanai, which would provide the employees an opportunity to participate in a yoga session with Vitality Wellness, Power of Purpose seminar with Blue Zone Hawaii, and stress reduction techniques from Worklife Hawaii.

In addition to the remote location outreach, workplace Wellness Program also wishes to offer employees access to the Yoga at My Desk series via the web so that employees can use the videos throughout the work day. The expansion of the surgical mask program will provide stations at county sites outside of the Kalana O Maui campus. Finally, the flu vaccine clinic will include both Kaiser and HMSA this year and we are looking to provide multiple sites around the island to offer free vaccines to all employees no matter their location.

This Wellness program is separate from the County Safety and Health Compliance Training program as far as funds, but the training program can be used to bring wellness related online training to all employees.

26. Legal services program- Details, page 94, Index code 905018B-6132, Professional Services: "Additional funding for scan Board of Ethics opinions and making them available for public to view online. "

- a. Will the \$7,000 additional funding go towards a certain website or platform in order to view online?

**Response:** The estimated \$7,000 would be used to fund ITS setup of the web pages as determined by ITS as well as the scanning of the 201 documents, by a third-party. See Exhibit E.

- b. What is the general upkeep cost for this?

**Response:** None. Once all of the documents have been uploaded, there are no additional costs. See Exhibit E.

27. Details, page 94, Index code 905022B, 6132, "Funding for annual security maintenance contract."

- a. Can you share a breakdown of what the maintenance plan entails?

**Response:** Please see response to Question 22.

- b. Will this go towards any maintenance of the actual x-ray machine? (MM)

**Response:** The equipment has not been installed, so no maintenance is included for the x-ray or metal detector equipment. **Note:** all of our security equipment comes with a one year included warranty after installation and, afterwards, would normally be added to the annual maintenance service agreement. The annual maintenance contract for the x-ray machine would be 15% of the \$33,000 purchase price or approximately \$5,000 per year.

Category "C" - Equipment

28. The Equipment budget is increasing by 162.4% in FY 2021, from \$103,145 in FY 2020 to \$270,645 in FY 2021. (Page 90 of the Program Budget). Anticipated purchases include 54 commercial large air purifiers for the County Building, security equipment for Waikapu, and

a security system for the Wailuku Baseyard. Explain these equipment purchases. (Page 95 of the Program Budget) (ALL)

**Response:** Please see answer to Question 34 for purifier details.

We do not have details for the Wailuku and Waikapu baseyards at this time. These items were placed in our budget in the event we have a security manager who will handle the countywide coordination and installation of security equipment. Public Works can address the details of the requested equipment purchases.

29. What computer software is needed? Is this an annual expense that started in 2020? (Page 1-10, Budget Details 905310B-6244: Risk Management) (TP)

**Response:** This is an annual expense that is used for the Department's electronic case management system.

30. What does security entry hardening of the 1st, 2nd and 3rd floors entail? (Page 1-8, Budget Details 905022B-6221: County Facilities Security) (TP)

**Response:** Entry hardening of these access areas involves fortifying the existing easily shattered glass with a film that significantly increases the effort and time to break into these single pane glass entry points. Easily breached double doors would be replaced with more appropriate single doors. We have had Department of Homeland security experts evaluate the property in January 2020, which review resulted in a lengthy list of suggested improvements. Additional hardening items include such things as bollards to prevent vehicles from smashing through entries, as well as entrance gates to limit drive up explosive devices and other major security incident preventative measures.

31. Please explain more about the commercial large air purifiers for the County Building. (Page 1-12, Budget Details, 9053 IOC-7039: Risk Management) (TP)

**Response:** Please see response to Question 34.

32. Please explain the security equipment and system for Waikapu and Wailuku Baseyard (Page 1-12, Budget Details 9053 IOC-7044/7051 : Risk Management). (TP)

**Response:** These items were added to our budget in the event we have a security manager who will handle the countywide coordination and installation of security equipment. Public Works would be able to answer questions related to the requested equipment.

33. Why is the appropriation for security equipment approved in FY 2020 not continued? Does the Department have all of the security equipment needed? (Page 94 of the Program Budget, 905022C-7501) (TK)

**Response:** Each department funds its own security hardware. Risk Management oversees the Countywide security maintenance contract, for equipment that is off the initial one-year warranty. The equipment that was included in the FY2020 budget has been purchased (e.g., lobby metal detector and x-ray machine); no additional equipment is included in the FY2021 budget.

34. Explain the need for 54 Commercial Large Air Purifiers for County Building. Does the equipment cost include installation or are existing County staff performing the installation? (Page 95 of the Program Budget, 9053 0C-7039) (TK)

**Response:** Several floors at Kalana O Maui have had air quality issues, including mold. This is a one-time budget item to request the purchase of commercial, properly sized air purifier units with an ongoing annual filter cost of approximately \$50-\$100/filter pre COVID-19 pandemic (prices and availability of equipment may have changed). These filters are rated at 99.97% efficiency for particulates .3 microns or smaller. This could be a Public Works building budget item or managed by each department director for his or her floor, but Risk proposed a single item to address the whole building at one time. With several mold and fungal exposures over the past couple of years, prevention seems to be a smarter way of reducing exposures and keeping employees healthy at work. The wall units have digital displays showing the efficacy of capture, filtering and cleanliness of the workspace. We expect the installation to be done in house as the units we plan to purchase are plug in 120 volt units. The space of the office areas dictates coverage, with the average floor requiring 4 large purifiers and 2 small ones for the restrooms.

**NOTE:** This was a proactive move prior to the COVID-19 pandemic. As of today, no air purifier can claim to protect against the coronavirus COVID-19. That is because all viable virus samples are being used in detection and vaccine development efforts; frankly, air purification

companies do not have a sample to work from for testing purposes. However, AeraMax Professional air purifiers claim to remove up to 99.97% of viruses, germs, allergens, bacteria and other pollutants from indoor air.

Additionally, the CDC, NIOSH and ANSI all highly recommend the use of Hepa Filters w/ charcoal filters as the best equipment to stop and prevent the spread of bacteria, fungus and viruses in the workplace.

**Response:** See responses to Questions 28 and 32.

35. Where will the 54 air purifiers be located? (Page 1-12 of the Budget Details, Index Code 905310C-7039) (TK)

**Response:** Kalana O Maui building. Distributed evenly between the nine floors to address ongoing mold and fungal issues and concerns. Average floor coverage needs are 4 large units and 2 small.

36. What kind of security equipment is being purchased for Waikapu? (Page 1-12 of the Budget Details, Index Code 905310C-7044) (KRF)

**Response:** See responses to Questions 28 and 32.

37. Is the proposed funding to replace, increase, or purchase new equipment for the Wailuku Base yard? (Page 1-12 of the Budget Details, Index Code 905310C-7051) (KRF)

**Response:** See responses to Questions 28 and 32.

38. What is this project for? Where is this in Waikapu? (Page 1-12, detail, 9053 IOC, 7044 Other Equipment, \$150,000) (YLS)

**Response:** See responses to Questions 28 and 32.

39. Does the baseyard have an existing system? Is there a need for a new security system? (Page 1-2, detail, 905310C-7051 Security Equipment, \$45,000) (YLS)

**Response:** See responses to questions 28 and 32, above.

40. Please state your justification for funding the installation of an x-ray machine for the second floor of the Kalana O Maui Building and your

plan for securing other entrances, such as the ground floor. (Page 1-8 of the Budget Details, Index Code 905022B, Sub Object Code 6146 Security Services) (KTK)

**Response:** This project was directed and funded by the County Council in FY2018 and FY2019, and the equipment has been purchased. The FY2021 requested funding is to contract for two security guards to operate the equipment during normal business hours. The vulnerability of the lobby entrance and free access to all floors of the County building has been identified by the Department of Homeland Security and MPDs consultant officers.

41. Details, page 94, Index code 905022B-6146, is there an x-ray machine already purchased or will part of the \$200,000 be towards the machine?

**Response:** Yes. See response to Question 40.

- a. If machine is being purchased, please share how much the machine will cost.

**Response:** The x-ray machine was previously purchased for approximately \$50,000, including shipping. Supplemental equipment, like trays, signage, security wands and roller tables may cost an additional \$1,000 - \$3,000.

- b. Any comments on the cost of yearly upkeep maintenance for the x-ray machine?

**Response:** We estimate the cost would be approximately 15% of the x-ray machine value.

- c. In the comments under 905022B, 6146 it states "installation of x-ray machine on 2<sup>nd</sup> floor..." I am curious to know if the basement access point will be addressed as well? (MM)

**Response:** The first floor access will be badge access only 24/7. Screening will only be done for the unknown or non-badged public, employees without badges, and vendors. See response to Question 44 for additional information.

42. Under "Key Activity Goals & Measures," Goal 1, Objective 2, states that the Department wants to close one claim for every new claim filed (a ratio of 1:1 or better e.g., 1:0.8). The FY 2020 estimate and the FY 2021 estimate are worse than the target. Why? Is the FY 2019 actual of 1:0.1 a typo? (Page 91 of the Program Budget) (TK)

**Response:** The estimated Workers Compensation Close Ratios for FY2020 and FY2021 were inverted: Should be 4:1, not 1:4. There are two factors behind this ambitious goal: (1) we anticipate the number of workers' comp claims to continue its downward trend, and (2) we expect our new third party administrator, John Mullen & Co., to aggressively manage and settle existing claims, which, when combined with lower claim frequencies should result in a higher WC Close Ratio.

**Yes,** the FY2019 WC close ratio of 1:01 is a typo. The correct WC Close Ratio for FY2019 is 1.15:1.00. In other words, the close ratio at FYE 2019 neither improved nor worsened, remaining statistically unchanged at 1 closed claim for every 1 claim opened. Goal met.

43. Under "Key Activity Goals & Measures," Goal 1, Objective 4, states that the Department wants to validate savings of FAST TRACK on GL and AU program fees. The FY2019 actual is over 4 times as high as the FY2020 and FY2021 estimates. Why does the Department assuming the savings will occur to a lesser extent than actual values indicate? (Page 91 of the Program Budget) (TK)

**Response:** The goal of this performance measure is to validate the efficacy of our FAST TRACK program in keeping with Risk Management's cost containment strategy. Since we have no control over the claim variables that drive actual results, (namely, the volume and type of claim filed) \$5,000 in each of FY2020 and FY2021 are conservative estimates and the minimum savings we are confident can be achieved in any given year.

44. Please explain Security services and how security on ground floor entrance will be addressed given a lot of times workplace violence threats are internal. What key activity goal does this address? (Page 1-8, the Budget Details, 905022B-6146/County Facilities Security and Page 94, Program Budget). (TP)

**Response:** The Facility Security Services is the cost of providing two contracts, unarmed security guards for the second floor screening operations at Kalana O Maui primarily for public screening.

The ground floor entrance will be locked, badge access only 24/7 along with the 1<sup>st</sup> and 2<sup>nd</sup> floor stairwells on the Wells Street side of the building.

Workplace violence is only one small threat to our workforce and should be managed through the workplace violence program and by

their leadership. However, experience shows us that the largest amount of issues are with vagrants and unknown public individuals making threats, yelling at employees, stealing from restrooms, posting propaganda, etc. We are not attempting to stop and search everyone entering the building, only improving our entry/choke point and to identify, get on camera, and provide a deterrent to potential outside bad actors. The guards don't have guns and the building is not set up to stop an armed attack. No security is ever 100%, but doing nothing does not help improve the weaknesses in any appreciable way.

45. Please explain about the Health and Wellness Program. What key activity goal does this address? (Page 1-11, Budget Details 905312B-6129, 6132: Health and Wellness 6129, 6132: Health and Wellness and Page 94, Program Budget).

**Response:** The Workplace Wellness Program has the main objective to bring forth a program to help employees adopt a healthier lifestyle and lower their risk of developing chronic diseases while improving worker productivity. This program uses input from the Center of Disease Control National Healthy Worksite Program, Blue Zone Hawaii, National Wellness Institute, Wellsource and Welcoa to develop objectives and goals that will support the employees of Maui County.

**Some key activity goals the program wishes to address include:**

- Reducing the risk of chronic disease among employees through wellness based interventions and promising practices.
  - Promote sustainable workplace health activities and organizational practices such as lunchtime walking groups and healthy food options for meetings.
  - Improve employee retention while increasing productivity, and worker's compensation cost savings. Additionally, we look to reduce absenteeism, and lower the risk of acute and chronic illness.
  - Focus on disease management through education and the creation of a health-conscious environment.
46. Please provide an update on the progress for Goals 3, 4, and 5 for FY20. (Page 92, Program Budget: Legal Services Program). (TP)

**Response:** Goals 3, 4 and 5 for FY2021 are proposed goals and were not part of FY2020 performance goals. Progress tracking and statistics for these goals would begin on July 1, 2020.

Department of the  
Corporation Counsel  
EXHIBITS "A-I"



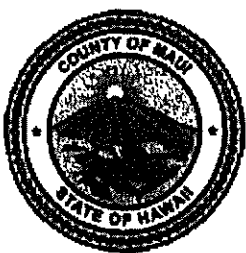
County of Maui  
Other Premium Pay Report: Prior FY Actuals, Current FY YTD, and Ensuing FY Budget - By Department, Program, Index and Subobject Codes

	Expended FY 2019	YTD as of 03/31/2020	MP Budget 2021
905018 LEGAL SERVICES ADMINISTRATN			
OTHER PREMIUM PAY:			
905018A LEGAL SERVICES ADMINISTRATN			
OTHER PREMIUM PAY:			
5204 Night differential	11	16	
5205 Overtime	11,745	644	5,000
5207 Temporary assignment	1,237	144	
Total for 905018A LEGAL SERVICES ADMINISTRATN	12,993	804	5,000
905125 CORPORATION COUNSEL/DEPUTIES			
OTHER PREMIUM PAY:			
905310 RISK MANAGEMENT			
OTHER PREMIUM PAY:			
905310A RISK MANAGEMENT			
OTHER PREMIUM PAY:			
5204 Night differential	45	21	
5205 Overtime	3,126	232	5,000
5206 Standby	238		
Total for 905310A RISK MANAGEMENT	3,409	253	5,000
Total for LEGAL SERVICES PROGRAM	16,402	1,057	10,000
Total for Corporation Counsel	16,402	1,057	10,000
GRAND TOTAL	16,402	1,057	10,000

EXHIBIT "A"

Department	Position ID	Job Profile Name	Compensation
Corporation Counsel	P-25447	Law Technician II	BU03-SR18
Corporation Counsel	P-29799	Deputy Corporation Counsel	\$130,954.00 Annual
Corporation Counsel	P-25525	Legal Assistant	BU13-SR20
Corporation Counsel	P-25442	Administrative Assistant II	BU13-SR22
Corporation Counsel	P-25444	First Deputy Corporation Counsel	\$142,031.00 Annual
Corporation Counsel	P-28879	Deputy Corporation Counsel	\$130,954.00 Annual
Corporation Counsel	P-28559	Legal Assistant	BU13-SR20
Corporation Counsel	P-29582	Safety Specialist III	BU13-SR24
Corporation Counsel	P-25502	Deputy Corporation Counsel	\$130,954.00 Annual
Corporation Counsel	P-28733	Deputy Corporation Counsel	\$130,954.00 Annual
Corporation Counsel	P-25443	Deputy Corporation Counsel	\$130,954.00 Annual
Corporation Counsel	P-25521	Law Technician II	BU03-SR18
Corporation Counsel	P-25531	Deputy Corporation Counsel	\$130,954.00 Annual
Corporation Counsel	P-25445	Law Technician I	BU03-SR16
Corporation Counsel	P-29798	Deputy Corporation Counsel	\$130,954.00 Annual
Corporation Counsel	P-25500	Corporation Counsel	\$149,507.00 Annual
Corporation Counsel	P-29018	Deputy Corporation Counsel	\$130,954.00 Annual
Corporation Counsel	P-25529	Deputy Corporation Counsel	\$138,811.00 Annual
Corporation Counsel	P-25503	Deputy Corporation Counsel	\$130,954.00 Annual
Corporation Counsel	P-25446	Deputy Corporation Counsel	\$130,954.00 Annual
Corporation Counsel	P-29579	Risk Management Officer	EM05
Corporation Counsel	P-29584	Insurance And Claims Assistant II	BU03-SR14
Corporation Counsel	P-25522	Deputy Corporation Counsel	\$130,954.00 Annual
Corporation Counsel	P-25501	Deputy Corporation Counsel	\$130,954.00 Annual
Corporation Counsel	P-29580	Loss Control Specialist	BU13-SR24
Corporation Counsel	P-25526	Law Technician I	BU03-SR16
Corporation Counsel	P-28868	Law Technician I	BU03-SR16
Corporation Counsel	P-29583	Safety Specialist III	BU13-SR24
Corporation Counsel	P-29890	Safety Specialist III	BU13-SR24
Corporation Counsel	P-25532	Private Secretary	\$5,733.00 Monthly
Corporation Counsel	P-25504	Legal Clerk III	BU03-SR14
Corporation Counsel	P-25528	Law Technician I	BU03-SR16
Corporation Counsel	P-25530	Investigator V	BU13-SR24
Corporation Counsel	P-28746	Law Technician I	BU03-SR16
Corporation Counsel	P-29233	Deputy Corporation Counsel	\$130,954.00 Annual
Corporation Counsel	P-29800	Law Technician I	BU03-SR16
Corporation Counsel	P-25523	Deputy Corporation Counsel	\$117,859.00 Annual

EXHIBIT "B"



# **SAFETY SPECIALIST III**

Class Code:  
2F.362

Bargaining Unit: Professional and  
Scientific Employees (HGEA)

COUNTY OF MAUI  
Established Date: Jul 1, 2016  
Revision Date: Jun 17, 2016

## **SALARY RANGE**

\$4,968.00 Monthly

### **DUTIES SUMMARY:**

Plans, organizes and coordinates countywide safety and accident prevention programs; participates in long-range planning and initial development of overall safety programs for the County of Maui; and performs other related duties as required.

#### **Distinguishing Characteristics:**

This class differs from the Safety Specialist II in that the Safety Specialist III plans, organizes and coordinates countywide safety and accident prevention programs, whereas the Safety Specialist II independently plans, coordinates and executes a variety of industrial safety educational and informational programs.

### **EXAMPLES OF DUTIES:**

The following are examples of duties and are not necessarily descriptive of any one position in this class. The omission of specific duties statements does not preclude management from assigning such duties if such duties are a logical assignment for the position and are consistent with the class concept.

- Plans, organizes and coordinates a variety of complex countywide safety and accident prevention programs.
- Participates with superiors in the planning, development and guidance of the overall safety program.
- Develops and implements special safety training programs for use by operating departments and agencies.
- Operates and uses various audio-visual equipment and aids in instructional activities.
- Arranges and conducts safety meetings and safety training classes.
- Prepares safety reports, accident analyses and recommendations.
- Conducts special studies on industrial accident trends and other safety matters.
- Ensures that all Federal and State compliance requirements are met, including all requirements of the Occupational Safety and Health Administration (OSHA),

**EXHIBIT "C"**

Hawaii Occupational Safety and Health (HIOSH), Environmental Protection Agency (EPA), Department of Health (DOH), Department of Transportation (DOT), National Fire Protection Association (NFPA), etc.

- Coordinates with management on all safety training programs.
- Conducts scheduled inspections of shops, buildings, job sites, etc. to discover and correct unsafe conditions or practices, to insure compliance with accepted safety policies and regulations and to recommend mechanical or structural devices to improve or correct unsafe conditions.
- Investigates industrial accidents, injuries, workers' compensation cases, etc. and prepares comprehensive reports on these incidents.
- Provides guidance and advice to lower level safety specialists.
- Maintains close relationships with professional safety organizations and institutions.
- May supervise others in the planning, organizing and coordinating of countywide safety and accident prevention programs.
- Performs other related duties as required.

This is the first class specification approved for the new class, SAFETY SPECIALIST III, effective July 1, 2016.

APPROVED: June 15, 2016

## **MINIMUM QUALIFICATION REQUIREMENTS:**

**Training and Experience:** A combination of education and experience substantially equivalent to graduation from an accredited college or university with major work in business administration, public administration or a related field, and four years of experience in industrial safety and accident prevention activities.

**License Requirement:** Possession of a valid motor vehicle driver's license (equivalent to State of Hawaii Type 3).

**Knowledge of:** industrial and construction accident hazards and methods of correction and prevention; industrial safety devices and equipment; safety education and publicity media, principles, methods and practices; safety inspection principles, practices and procedures; principles and practices of public speaking; report writing.

**Ability to:** plan, organize and coordinate an effective safety and accident prevention program; plan and instruct supervisors on principles and methods of instructing; instruct others in safety techniques, causes of accidents and accident prevention; deal tactfully and effectively with officials, supervisors and employees; write clear and concise reports; speak effectively before groups.

**Health and Physical Condition:**

Persons seeking appointment to positions in this class must meet the health and physical condition standards deemed necessary and proper to perform the essential functions of the position with or without reasonable accommodations.

**Physical Effort Grouping:** Light

This is the first minimum qualification specification approved for the new class, SAFETY SPECIALIST III, effective July 1, 2016.

APPROVED: June 15, 2016

**DEPARTMENT OF THE CORPORATION COUNSEL**  
**ATTORNEY ASSIGNMENTS**  
**EFFECTIVE 1/20/2020 - CURRENT**  
**Alpha by Agency**  
**(Subject to Change)**

AGENCY	PRIM.	ALT.
ADA Compliance (All Departments) (Litigation Consultant: MML)	JMO	SMC
ADA Litigation	TWK	CPR
Administrative Contested Case Hearings (BVA & Planning Commissions only)	TWK	KKT
Administrative Contested Case Hearings (Police Commission only)	JKH	RKK
Affirmative Action Advisory Council*	SMC	RMT
Affordable Care Act	JMO	MDJ
Affordable Housing Committee (AH) - Council	MDJ	GYM
Animal Control Board	SMC	ESK
Arborist Advisory Committee*	DAG	SMC
Bankruptcy Actions	CPR	TWK
Board and Commissions (appointment and removal of members)	ESK	MDJ
Board of Ethics	SMC	JMO
Board of Variances & Appeals	RMT	MJH
Board of Water Supply	MDJ	JMO
Bond Financing	DAG	MML
Budget Office	DAG	ESK
Chapter 11, HRS (election/voter registration appeals)	CPR	BAB
Chapter 343 (EA/EIS) Litigation (C&D Consultants: RMT)	BAB	KKT/ TWK
Chapter 92 (UIPA) Litigation (C&D Consultant: MDJ)	JKH	ILG/RKK
Chapter 92, Part I (Sunshine Law) Litigation (C&D Consultant: GYM)	RKK	CPR
Children and Youth Commission	SMC	JMO
Circuit Court Agency Appeals (BVA & Planning only) (C&D Consultant - MJH)	TWK	CPR /KKT
Circuit Court Agency Appeals (Other than Police, Liquor, BVA & Planning)	TWK	KKT
Circuit Court Agency Appeals (Police & Liquor only)	JKH	ILG
Civil Liability, Police recruit & supervisor training	PAH	SMC
Civil Service Commission	MDJ	GYM
Civil Service Commission Appeals	TWK	ILG
Claims	CPR	RKK
Climate Action and Resilience Committee - Council	RMT	SMC
Code Enforcement (All Departments except Planning: pre-appeal/pre-litigation) (Primary Adviser: MDJ - Back/Up: MJH)	All C&D by dept	ALL C&D B/up by dept
Collections - Delinquent Accts with County Depts.	RKK	TWK

**EXHIBIT "D"**

**DEPARTMENT OF THE CORPORATION COUNSEL  
ATTORNEY ASSIGNMENTS  
EFFECTIVE 1/20/2020 - CURRENT  
Alpha by Agency  
(Subject to Change)**

Commission on Water Management Team (adjudicatory matters) (C&D Consultant: JMO)	CPR	KKT
Commission on Water Resource Management (non-adjudicatory matters)	JMO	ESK
Community Development Block Grant (CDBG), Office of	JMO	SMC
Condemnation - Real Property Litigation	JKH	RKK
Contracts (Primary Adviser: RMT)	All C&D by dept except as noted	ALL C&D B/up by dept except as noted
Corporation Counsel Budget & Administration	MML	ESK
Corporation Counsel Contracts	RMT	MDJ
Cost of Government Commission*	SMC	ESK
Council on Aging	SMC	MDJ
Council Services, Office of	MML	MDJ
Council Services, Office of - Contracts	RMT	MDJ
County Auditor	DAG	ESK
County Budget	DAG	ESK
County Clerk, Office of the	MML	RMT
County Clerk, Office of the - Contracts	RMT	MDJ
County Council	MML	ESK
County Council - Contracts	RMT	MDJ
Cultural Resources Commission	MDJ	SMC
Development Services Administration Enforcement Action Litigation (including Subdivision Ordinance, Building Code, Housing Code, Energy Code, grubbing, outdoor lighting, litter control violations & Collections on Delinquent Accts (C&D Consultant: MJH)	TWK	BAB
Driver's Licensing Review Board**	SMC	MJH
Economic Development and Budget Committee (EDB) - Council	DAG	ESK
Economic Development, Office of (Including Grants & Contracts)	SMC	MDJ
Emergency Management Agency (Civil Defense) -Administrative Matters	RMT	MJH
Emergency Management Agency (Civil Defense) -Emergency Staff Coverage	MJH, CPR, DAG	
Employment Litigation (including discrimination, FLSA, & EUTF claims)	RKK	TWK
Environmental, Agricultural, and Cultural Preservation Committee (EACP) - Council	SMC	RMT

**DEPARTMENT OF THE CORPORATION COUNSEL  
ATTORNEY ASSIGNMENTS  
EFFECTIVE 1/20/2020 - CURRENT  
Alpha by Agency  
(Subject to Change)**

Environmental Management Litigation Team	BAB	CPR/RMT/ KKT/JKH/ RKK
Environmental Management, Department of	RMT	JMO
Equal Employment Opportunity Training (All Departments)	GYM	SMC
Equal Employment Opportunity/Hawaii Civil Rights Commission	RKK	ILG
Fair Labor Standards Act (All Departments)	JMO	DAG
Finance Department Enforcement Action Litigation (including vendor, taxicab & bicycle tour violations & Collections on Delinquent Accts) (C&D Consultant: DAG)	CPR	ILG
Finance, Department of - Contracts	RMT	MDJ
Finance, Department of (Administration)	DAG	ESK
Finance, Department of (Motor Vehicles Division - DMV)	DAG	MDJ
Finance, Department of (Purchasing Division)	RMT	MDJ
Finance, Department of (Real Property Tax Division)	DAG	RMT
Finance, Department of (Treasury Division)	DAG	RMT
Fire and Public Safety Commission (regular business)	JMO	DAG
Fire and Public Safety Commission (Contested case hearings with dept being a party)	DAG	MJH
Fire and Public Safety, Department of	JMO	SMC
Fire Prevention Bureau Enforcement Action Litigation (including fire hazard abatement actions & Collection in Delinquent Accts) (C&D Consultant: JMO)	JKH	RKK
Foreclosure Actions (assigned by rotation) (C&D Consultant: ESK)	CPR	KKT/JKH/ ILG/RKK/ PAH
Garnishments	CPR	ILG
Governance, Ethics, and Transparency Committee (GET) - Council	ESK	GYM/MML
Grants (Primary Adviser: GYM)	All C&D by dept	All C&D B/up by dept
Grievances (HGEA up to Step 2; UPW up to Step 2; SHOPO; Fire up to Step 3)	GYM	TWK
Hana Advisory Committee**	DAG	MDJ
Healthy Families and Communities Committee (HFC) - Council	ESK	SMC
HLRB Litigation	TWK	RKK/ILG
Housing and Human Concerns, Department of - Housing and Affordable Housing matters (affordable housing matters and 201H projects only)	MDJ	GYM

**DEPARTMENT OF THE CORPORATION COUNSEL  
ATTORNEY ASSIGNMENTS  
EFFECTIVE 1/20/2020 - CURRENT  
Alpha by Agency  
(Subject to Change)**

Housing and Human Concerns, Department of - Human Concerns including (all matters except for affordable housing and 201H projects)	GYM	ESK
Insurance Litigation (related to matters or cases assigned to the Team)	PAH	TWK/RKK
Interest Arbitrations	GYM	RKK
Interpleaders (ALL) (by rotation)	CPR	KKT/ILG JKH/RKK
Kula Agricultural Park Committee**	MDJ	SMC
Lanai Community Plan Advisory Committee	RMT	MDJ
Lanai General Plan Advisory Committee**	RMT	MDJ
Lanai Planning Commission	RMT	MDJ
Land Use Commission (adjudicatory matters, including orders to show cause, declaratory rulings and court appeals)	KKT	JKH
Land Use Commission (entitlement matters, including district boundary amendments and special use permits)	MJH	DAG
Land Use Litigation (including RLUIPA)	BAB	TWK
Leases, licenses, deeds (Primary Adviser: RMT - Back/Up: ESK)	All C&D by dept	ALL C&D B/up by dept
Legal Opinion review	MML	ESK
Liquor Control Adjudication Board	ESK	GYM
Liquor Control Commission	MDJ	GYM
Liquor Control, Department of	GYM	ESK
Management, Department of	MML	ESK
Management, Department of - Contracts/Grants	RMT	SMC
Maui General Plan Advisory Committee**	MJH	JMO
Maui Planning Commission	MJH	MDJ
Maui Redevelopment Agency	MJH	DAG
Mayor, Office of the	MML	ESK
Mayor, Office of the - Contracts/Grants except OED	RMT	MDJ
Metropolitan Planning Organization ("MPO")	MJH	SMC
Molokai Community Plan Advisory Committee	SMC	MDJ
Molokai General Plan Advisory Committee**	SMC	MDJ
Molokai Planning Commission	SMC	MDJ
New Employee Training (All Departments)	GYM	MDJ
Non-judicial Foreclosures	CPR	KKT/RKK
Ordinance/Rules/Resolution Review	ESK	MJH
Parks and Recreation Department Enforcement Action Litigation (including camping and ocean recreational activity violations & collections on Delinquent Accts) (C&D Consultant: MDJ)	CPR	KKT

**DEPARTMENT OF THE CORPORATION COUNSEL  
ATTORNEY ASSIGNMENTS  
EFFECTIVE 1/20/2020 - CURRENT  
Alpha by Agency  
(Subject to Change)**

Parks and Recreation, Department of	MDJ	ESK
Personnel Grievances and Arbitration (HGEA @ Step 3 only; UPW @ Step 3 only; SHOPO; Fire @ Step 4 only)	TWK	RKK/ILG
Personnel matters by Dept. - Pre Grievance (GYM: C&D Consultant)	All C&D by dept	All C&D by dept
Personnel Services, Department of	GYM	ESK
Persons with Disabilities Commission	JMO	SMC
Planning and Sustainable Land Use Committee (PSLU) - Council	MJH	DAG
Planning, Department of	MJH	MDJ
Planning, Department of (code enforcement; pre-appeal/pre-litigation)	MDJ	MJH
Police Commission (DAG will advise the Commission for all regular meetings. A Litigator will represent the Commission in contested case matters.)	DAG	SMC
Police, Department of	SMC	GYM
Procurement Litigation (DCCA & Court only) (including contracts for goods, services and construction) (C&D Consultants: RMT and other C&D Deputies as appropriate)	CPR	JKH
Prosecuting Attorney, Department of the	SMC	JMO
Public Utilities Commission	MJH	DAG
Public Utilities Litigation (C&D Consultants: JMO (water utilities); RMT (wastewater utilities))	KKT	CPR
Public Works Commission	MJH	SMC
Public Works, Department of	DAG	RMT
Real Property Litigation (disputes regarding leases) (C&D Consultant: RMT)	BAB	KKT
Real Property Litigation (Quiet Title & Partitions, except where foreclosure or tax issues predominate)	KKT	CPR
Real Property Tax Board of Review	SMC/RMT	MDJ
Salary Commission	GYM	ESK
Section 1983 Litigation (land use related)	BAB	TWK
Section 1983 Litigation (Police or employment related)	PAH	RKK
Software Licensing	DAG	RMT
Sovereignty matters	CPR	ILG
Status of Women Committee*	SMC	JMO
	CPR/ KKT/ RKK/ILG/ PAH/JKH	TWK
Subpoenas (All Departments) by rotation	MDJ	GYM
Sunshine Law Inquiries/Trainings	MDJ	GYM

**DEPARTMENT OF THE CORPORATION COUNSEL  
ATTORNEY ASSIGNMENTS  
EFFECTIVE 1/20/2020 - CURRENT  
Alpha by Agency  
(Subject to Change)**

Tax Appeals (assignment by rotation) (C&D consultant: RMT)	BAB	CPR/KKT
Tort Litigation	PAH	KKT/ILG/RKK
Transportation, Department of	SMC	MJH
UIPA Inquiries (All Departments incl. Council Services)	MDJ	DAG
Unemployment Compensation (All Departments)	CPR	ILG
Urban Design Review Board	JMO	SMC
Water, Infrastructure and Transportation Committee (WIT) - Council	JMO	ESK
Water Supply Department Enforcement Action Litigation (including water conservation and water reporting violations & Collections on Delinquent Accts) (C&D consultant: JMO)	CPR	KKT
Water Supply, Department of	JMO	ESK
West Maui Community Plan Advisory Committee CPAC	MJH	DAG
Workers' Compensation (including collection/reimbursement actions)	CPR	JKH
ZAED Enforcement Action Litigation (including zoning, TVRs, SMA, shoreline setback area, flood hazard district, land use entitlement conditions, sign violations) (C&D consultant: MJH)	TWK	BAB/JKH

**KEY:**

BAB - Brian A. Bilberry (Melissa Stoppiello)
CPR - Caleb P. Rowe (Candace Stahl)
DAG - David A. Galazin (Melody Andrion)
ESK - Edward S. Kushi (Jennifer Okamura)
GYM - Gary Y. Murai (Jennifer Okamura)
ILG - Iwalani L. Mountcastle Gasmen (Ashley Joyner)
JKH - John "Koa" Holiona (Ashley Joyner)
JMO - Jennifer M. Oana (Sheila Bio)
KKT - Kristin K. Tarnstrom (Melissa Stoppiello)
MDJ - Mimi Desjardins (Jocelyn Moniz)
MJH - Michael J. Hopper (Melody Andrion)
MML - Moana M. Lutey (Cory Lynn Vicens)
PAH - Peter A. Hanano (Tanya Quitazol)
RKK - Richelle K. Kawasaki (Tanya Quitazol)
RMT - Richelle M. Thomson (Jennifer Okamura)
SMC - Stephanie M. Chen (Jocelyn Moniz)
TWK - Thomas W. Kolbe (Candace Stahl)

**DEPARTMENT OF THE CORPORATION COUNSEL  
Maui County Board of Ethics**

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**COUNTY OF MAUI BOARD OF ETHICS – ADVISORY OPINIONS OVERVIEW**

In an effort to be more transparent of decisions made by the Maui County Board of Ethics regarding Advisory Opinions, it is highly beneficial and recommended to make public and available those Advisory Opinions thus far set forth in an easily accessible manner to the public.

**GOAL:** All County of Maui Board of Ethics Advisory Opinions, dating back to 1977 are catalog, archived and available online.

**TO DATE:**

- There have been 281 Advisory Opinions ("AO") issued by the County of Maui Board of Ethics (the "Board") of which 19 were Complaint Opinions.
- Currently these AO are archived with the Department of Corporation Counsel("COR"), administrators for the Board, and available to the community upon request.
- With AO dating back to 1977, it was only in 2011, that they were scanned and electronically saved in to a PDF format.
- The current process of archiving an AO (once approved) is to save them in three locations: a) COR shared S Drive, b) COR electronic internal filing system, Legal Files, and c) the "original" AO hard copy saved in a binder.
- The current indexing system does not state outcomes, only AO No., date received, who is the requestor, status (Public/Confidential), and brief subject.

**PROJECT:** Digitizing and Accessibility of Board of Ethics Advisory Opinions

- The digitizing of Board of Ethics (the "Board") Advisory Opinions so that they are accessible online to the County and community, has been adopted by the Department of the Corporation Counsel as a FY2021 budget goal (Goal #3, see chart below).
- This Goal #3 would be effective for FY2021, commencing July 01, 2020 thru June 30, 2021.
- As of December 31, 2019 the Department of the Corporation has provided a total of **263** Advisory Opinions ("AO"), Note: Complaint Opinions will not be posted.
- There are **62** AO currently scanned/digitized (PDF format) dating back to 2011 and thru 2019.
- There are **201** AO dating back to 1977 that need to be scanned/digitized (PDF format).
- The required amount of AO to be published and made available online to achieve Goal #3 during FY2021 are:

1. Amount of 2019 AO (100%)	18
2. Amount of 2020 AO (as of April 01, 2020 3 with 3 waiting review)	TBD
3. Estimated amount of AO prior to 2019 (20%)	<u>49</u>
4. Total AO required to be posted online by end of FY2021	<b>67+</b>

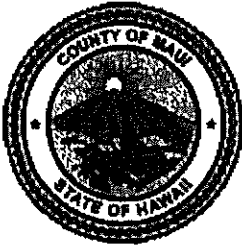
**Department of the Corporation Counsel FY2021 Goal as it Pertains to the Board of Ethics**

<b>GOALS/OBJECTIVES</b>	<b>Success Measurements</b>	<b>FY19 Actual</b>	<b>FY 2020 Estimate</b>	<b>FY2021 Estimate</b>
<i>Goal #3: Increase online accessibility to legal opinions and information with the goal of establishing a robust online presence providing value to the County and the public.</i>				
1. Publish Board of Ethics opinions beginning with 2019	% of opinions published and available online	N/A	N/A	100%
2. Publish Board of Ethics opinions prior to 2019	% of opinions published and available online	N/A	N/A	20%

**Project Action Items\* (\*Evolving)**

<b>Item</b>	<b>Task</b>
Departments involved – Department of the Corporation Counsel and ITS	ITS – Internal Project contact (Susan Underwood) Dept. of the Corporation Counsel – Assigned BOE staff member to coordinate a 3 <sup>rd</sup> party vendor to scan documents.
Where will they be saved?	<ul style="list-style-type: none"> <li>On a dedicated Board of Ethics Advisory Opinions web page located on the COM website</li> <li>Originals archived and accessible at Department of the Corporation Counsel (current method)</li> </ul>
How saved?	As a PDF and OCR (Adobe- optical character recognition)
Format – Original AO	Review existing and determine subject matter and a standardized formatting
Search Capability?	Catalog & Keywords: <ul style="list-style-type: none"> <li>Catalog (category) each AO</li> <li>Identification of relevant keywords</li> <li>Create a standardized keyword list applicable to all</li> </ul>
Implementation?	<ul style="list-style-type: none"> <li>Complete and submit a proposal intake form to Dept. of Management, IT Services Division.</li> <li>BOE to Review current website vendor and enterprise solution CivicPlus.</li> <li>ITS Division to make recommendations for website and functionality. Determination of costs.</li> <li>Build pages</li> <li>Scanning of advisory opinions from 2010-1977.</li> <li>Catalog &amp; Keywords (see steps above)</li> <li>Onboard digitized AO on to website.</li> <li>Testing of functionality.</li> <li>Review for any bugs</li> <li>Fix issues or Launch</li> </ul>
Launch	By June 2021
Maintenance	<ul style="list-style-type: none"> <li>ITS would maintain pages</li> <li>Ongoing upload of documents would occur in batches until all 263 are uploaded.</li> <li>July 2021 and onward content management would be maintained by assigned to BOE staff member to administer</li> </ul>

**EXHIBIT E**



# PRIVATE SECRETARY

Class Code:  
1D.001

Bargaining Unit: Non-Supervisory White  
Collar Workers (HGEA)

COUNTY OF MAUI  
Established Date: Jan 1, 1986  
Revision Date: May 26, 2016

## SALARY RANGE

\$4,029.00 Monthly

### DUTIES SUMMARY:

Serves as personal and confidential secretary to the head of a County department; may service a board; may supervise clerical assistant; and performs other related duties as required.

#### Distinguishing Characteristics:

This class is distinguished by its responsibility for providing administrative and clerical support services to the head of a County department, including an administrative board.

### EXAMPLES OF DUTIES:

The following are examples of duties and are not necessarily descriptive of any one position in this class. The omission of specific duties statements does not preclude management from assigning such duties if such duties are a logical assignment for the position.

Receives personal calls using tact, diplomacy and applying an extensive knowledge of the department's functions and operations; receives telephone calls and provides information on departmental functions, rules and regulations and routes calls to the department head or appropriate subordinates according to the nature of the call and discretionary judgment as to the disposition of the call; reads incoming correspondence and other material, screens out those which can be disposed of personally or routed to other personnel for action and routes those which require executive attention or are of special interest to the executive for consideration; organizes matters being presented for executive attention by locating and attaching all pertinent and available material and data necessary for consideration of the matter; maintains files for the convenience of the executive; gathers and assimilates information and other data required by the executive from files and other sources; accepts and adjusts appointments for the executive and provides background of matters to be considered before meetings; relays instructions of the executive to operating units of the department and prepares intra-departmental memoranda for such purposes; makes all necessary arrangements for

EXHIBIT " F "

meetings including time and space requirements and the notification of persons to attend; may take and transcribe dictation for the executive's correspondence and reports; may attend board hearings and take minutes; may prepare minutes of hearings for distribution; arranges for and/or coordinates clerical and stenographic services to meet fluctuating workloads of the executive's office.

This is the first specification approved for the new class PRIVATE SECRETARY, effective January 1, 1986.

APPROVED: January 9, 1986

## **MINIMUM QUALIFICATION REQUIREMENTS:**

Training and Experience: (1) Graduation from high school and five years of progressively responsible typing, stenographic and clerical experience; or (2) any equivalent combination of training and experience.

Knowledge of: secretarial principles and practices; office practices and procedures; grammar, punctuation, spelling and word usage; office machines and equipment; principles of practices of supervision; basic organization of County government.

Ability to: plan, organize and carry out a very broad and complex range of secretarial functions; understand and carry out oral and written instructions; learn and interpret rules and regulations; lay out, assign, and supervise the work of a group of clerical and stenographic employees; compose correspondence; keep matters confidential; deal tactfully and effectively with others; screen files and correspondence to determine priority on matters for attention; work under pressure; understand government structure and organization with respect to interagency, chief executive, legislative, and community relationships .

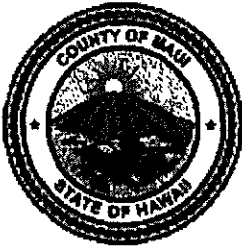
Health and Physical Condition;

Persons seeking appointment to positions in this class must meet the health and physical condition standards deemed necessary and proper for performance of the duties.

Physical Effort Grouping: Light

This is the first specification approved for the new class PRIVATE SECRETARY, effective January 1, 1986.

APPROVED: January 9, 1986



# RISK MANAGEMENT OFFICER

Class Code:  
MA.205

Bargaining Unit: Excluded Managerial

COUNTY OF MAUI  
Established Date: Aug 5, 1996  
Revision Date: Jul 5, 2016

## SALARY RANGE

\$6,681.00 Monthly

### DUTIES SUMMARY:

Plans, directs and coordinates the County's risk management program, including the administration of the workers' compensation function; provides technical assistance to departments on risk management matters; and performs other related duties as required.

#### Distinguishing Characteristics:

This class is distinguished by its responsibility to design, implement, and manage the County's risk management program to minimize the County's exposures to property and liability losses, including those exposures related to the County's workers' compensation program.

### EXAMPLES OF DUTIES:

The following are examples of duties. The omission of specific duty statements does not preclude management from assigning such duties if such duties are a logical assignment for the position.

- Continually identifies the County's exposures to accidental, legal and regulatory losses and estimates maximum foreseeable losses, including those associated with the centralized workers' compensation program.
- Communicates to appointing authorities and managers the identified loss exposures and the potential costs of accidents and preventable losses.
- Reviews major leases, contracts and corporate agreements for County liabilities and responsibilities that should be avoided or insured, and for unacceptable contingency provisions that should be renegotiated.
- Maintains a historical record of all accidents and losses, insured and uninsured, including recoveries from others and reserves held by insurers.
- Evaluates historical loss trends, frequencies and severities of County risks and liabilities, and prepare annual forecasts of losses.

EXHIBIT " 9 "

- Plans and coordinates county-wide risk control and loss prevention activities, including policies and procedures related to risk management.
- Administers the County's workers ' compensation program; identifies and seeks to transfer liabilities of workers ' compensation program in an effective and efficient manner.
- Provides assistance and guidance to appointing authorities and managers to monitor activities, including property protection and safety, employee safety, fleet safety, property conservation and fire safety, product safety and environmental protection for the County.
- Develops and administers a program to finance accidental losses, using self-insurance and insurance, including preparation and review of County guidelines on risk retention; administration of internal self- insurance reserves; selection and coordination of insurance companies, agents, brokers, and supplier of other services related to corporate insurance and self-insurance programs.
- Prepares and delivers periodic reports on the activities, accomplishments, and financial impact of risk management, including planning and budgeting.
- Develops a claims reporting and information system; establishes a centralized claims clearinghouse by developing guidelines and procedures for claims management and adjusting services.
- Coordinates with Corporation Counsel in investigating claims, reported incidents, and/or insurer claim settlements.
- Determines organizational and staff requirements; drafts administrative policy statements and directives to improve and enhance the County's risk management program; supervises the risk management staff.

This is the first specification approved for the new class, RISK MANAGEMENT OFFICER, effective April 1, 1995.

APPROVED: August 5, 1996

## **MINIMUM QUALIFICATION REQUIREMENTS:**

**Training and Experience:** A combination of education and experience substantially equivalent to graduation from an accredited college or university with a bachelor 's degree in public or business administration, finance, or a related field; and four years of responsible administrative experience in risk management or in the management, investigation and adjustment of insurance claims, including but not limited to workers ' compensation, general liability, vehicular bodily injury and property damages.

**Knowledge of:** risk management and insurance principles, concepts and techniques; types and purposes of insurance policies and coverage; principles and practices of supervision and program administration; familiarity with State and Federal safety laws; public relations; data collection, analysis and evaluation techniques to identify loss exposure.

**Ability to:** administer a county wide risk management program; identify and resolve operating problems in risk management; collect, maintain, and analyze information; interpret, evaluate and explain laws, ordinances and regulations; write clear and concise reports for management analyses; prepare administrative directives; plan, direct and control the work of others; maintain effective working relationships with County officials, insurance company representatives, and the general public; communicate effectively, both orally and in writing.

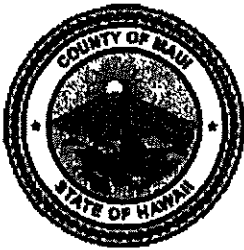
Health and Physical Condition:

Persons seeking appointment to positions in this class must meet the health and physical condition standards deemed necessary and proper for performance of the duties.

Physical Effort Grouping: Light

This is the first minimum qualification specification approved for the new class, RISK MANAGEMENT OFFICER, effective April 1, 1995.

APPROVED: August 5, 1996



# LOSS CONTROL SPECIALIST

Class Code:  
2F.355

Bargaining Unit: Professional and  
Scientific Employees (HGEA)

COUNTY OF MAUI  
Established Date: Mar 31, 2003  
Revision Date: May 23, 2016

## SALARY RANGE

\$4,968.00 Monthly

### DUTIES SUMMARY:

Develops, analyzes, implements, coordinates and monitors the loss control activities of the county-wide risk management program; develops and monitors the loss control reporting system; provides technical consultation to other departments in loss control; and performs other related duties as required.

#### Distinguishing Characteristics:

This single position class is responsible for developing, implementing, and monitoring loss control activities of the risk management program to prevent, reduce or eliminate the County's exposure to liability and property losses.

This single position class also develops, implements, interprets, and revises Loss Control Guidelines for operating departments, as well as identifying and analyzing potential sources of loss. In addition, this single position class serves as the technical expert in loss control and provides consultation services and training to County departments.

### EXAMPLES OF DUTIES:

The following are examples of duties and are not necessarily descriptive of any one position in this class. The omission of specific duties statements does not preclude management from assigning such duties if such duties are a logical assignment for the position.

- Coordinates, analyzes, implements and monitors loss control activities of the County's risk management program;
- Develops, implements, revises, interprets and monitors the Loss Control Guidelines;
- Identifies and analyzes potential sources of liability and property losses to the County by conducting interviews with department heads and other staff, by conducting on-site inspections of buildings and facilities, by examining service

EXHIBIT "H"

- contracts and agreements, internal policies and procedures on quality assurance, and studies of overall operations and objectives of operating departments and agencies; consulting with experts both within and outside of the County of Maui;
- Estimates frequency, severity and predictability of each loss exposure;
  - Develops alternative techniques of loss avoidance to cope with each liability or property exposure and convinces operating departments of the importance of adopting these techniques;
  - Utilizes loss control and loss finance methodologies which are cost-effective and least disruptive to the overall departmental operations or objectives;
  - Develops standards of loss control to describe what should be done to put the chosen techniques into effect including by whom, when and how to best enhance the department's or agency's operating efficiency;
  - Reviews and monitors results of implemented alternatives to determine whether the chosen techniques were correct;
  - Makes changes or improvements in techniques based upon new information gained on loss exposures to assure the most effective techniques were chosen to achieve the goals and objectives of the risk management program;
  - Determines that acceptable loss control performance standards have been met;
  - Develops and manages the loss control reporting systems;
  - Establishes procedures to collect, maintain and provide loss control information for analyzing and monitoring loss control activities and formulating loss avoidance techniques;
  - Gathers underwriting information for insurance purposes;
  - Reviews and monitors safety recommendations from insurance companies;
  - Coordinates with, trains and provides technical consultative services to operating departments;
  - Works with and instructs operating departments to identify new loss exposures and to report liability and property incidents;
  - Provides information on loss control activities;
  - Develops and/or obtains loss control training materials;
  - Provides loss control training and assists in conducting risk management training;
  - Monitors self insurance retention and insured losses;
  - Assists the Risk Management Officer in developing an overall understanding of the County's risk management program.

This is the first specification approved for the new class, LOSS CONTROL SPECIALIST, effective March 31, 2003.

APPROVED: April 1, 2003

## **MINIMUM QUALIFICATION REQUIREMENTS:**

**Training and Experience:** A combination of education and experience substantially equivalent to graduation from an accredited college or university in business administration, accounting, finance or a related field, and four years of progressively responsible professional work experience in loss control management, which involved independently investigating and analyzing potential sources of liability or property loss or workplace hazards as well as recommending techniques or methods of reducing or eliminating loss exposure.

**Knowledge of:** loss control management; basic principles and concepts of accounting, contracts and statistics; risk audit concepts and applications; loss control information system concepts and applications; types and purposes of insurance policies and

coverage; and data collection, analysis and evaluation techniques to identify and measure loss exposure.

Ability to: develop, analyze, implement, coordinate and monitor the loss control activities of the risk management program; develop and maintain a loss control information system; collect, analyze and evaluate data and make recommendations; recognize potential loss exposures; inspect work sites and observe operations; motivate others to implement and make adjustments to loss control techniques; make presentations before groups; write clear and concise reports; maintain effective working relationships with operating departments and other loss control experts; communicate effectively both orally and in writing.

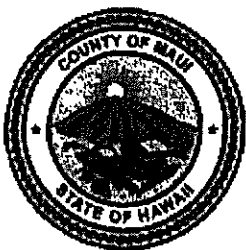
#### Health and Physical Condition:

Persons seeking appointment to positions in this class must meet the health and physical condition standards deemed necessary and proper for performance of the duties.

#### Physical Effort Grouping: Light

This is the first qualification specification approved for the new class, LOSS CONTROL SPECIALIST, effective March 31, 2003.

APPROVED: April 1, 2003



# INSURANCE AND CLAIMS ASSISTANT II

Class Code:  
1H.346

Bargaining Unit: Non-Supervisory White  
Collar Workers (HGEA)

COUNTY OF MAUI  
Established Date: Oct 27, 2006  
Revision Date: Jun 28, 2016

## SALARY RANGE

\$3,185.00 Monthly

### DUTIES SUMMARY:

Performs specialized clerical and administrative support services relating to underwriting and analyzing insurance policies and contracts, reviewing and monitoring risk exposure and loss control activities, establishing and maintaining document/record control systems and processing insurance claims; formulating insurance bid specifications; and performing other related duties as required.

#### Distinguishing Characteristics:

This class differs from the Insurance and Claims Assistant I class in that it is responsible for performing the full range and variety of work involving the review and evaluation of underwriting data, insurance proposals and contracts; preparation of comparative cost and benefit analysis; identification and examination of potential sources of liability and loss; and processing and auditing of claims; whereas the Insurance and Claims Assistant I is responsible performing moderately difficult work involving compilation, review and analysis of underwriting data to identify and monitor risk exposures, preparation of insurance documents and specifications, and the processing of claims in support of the County's risk management program.

### EXAMPLES OF DUTIES:

The following are examples of duties and are not necessarily descriptive of any one position in this class. The omission of specific duties statements does not preclude management from assigning such duties if such duties are a logical assignment for the position.

- Develops underwriting criteria for new and/or existing insurance programs;
- Collects and compiles underwriting data, prepares analyses, and other data reports subject to the Risk Management Officer's review;

EXHIBIT "I"

- Initiates correspondence to departments, agencies, and insurance brokers, etc., to solicit required information, clarify or update data, and advise of changes impacting insurance coverage;
- Prepares insurance specifications and bid packages;
- Clarifies information regarding the bid specification or proposal with insurance underwriters and brokers;
- Receives and reviews submitted proposals to ensure strict compliance with bid specifications on advertised procurement;
- Prepares a comparative summary cost and benefit analysis for each proposal subject to the Risk Management Officer's review;
- Reviews loss control reports to identify new or unusual exposures or hazards;
- Receives and verifies letters of claims or billings for accuracy and compliance with contract specifications, then processes billings for payment.
- Clarifies insurance premium billings and personal claims with the accounting office and provides information to the general public on filing and receiving claims;
- Refers claims reports, letters, or telephone calls to the appropriate insurer;
- Monitors loss payments and processes monthly billings;
- Maintains the program's database by inputting various information, i.e., negligence claims and lawsuits, auto schedules, property records, policy history records, premium records, etc., on a regular and continuing basis;
- Formulates reports to summarize or list vital statistics or information from the database;
- Maintains insurance log and policy files, including premium and related loss summaries;
- Provides advice regarding insurance programs and procedures to County departments and agencies;
- Prepares reports for review and distribution;
- Assists in the preparation of the annual budget;
- Monitors expenditures against budgets and prepares quarterly reconciliation for the Risk Management Officer;
- Prepares correspondence.

This is the first specification approved for the new class, INSURANCE AND CLAIMS ASSISTANT II, effective December 16, 2005.

APPROVED: October 27, 2006

## **MINIMUM QUALIFICATION REQUIREMENTS:**

**Training and Experience:** A combination of education and experience substantially equivalent to graduation from high school and four years of clerical experience, two of which shall have involved insurance sales or underwriting, risk management, claims management, or similar activities, and which demonstrated experience in computerized data entry.

**License Requirement:** Possession of a motor vehicle operator's license valid in the State of Hawaii (equivalent to Hawaii Type 3).

**Knowledge of:** pertinent aspects of insurance and risk management laws, rules and regulations; insurance industry terminology and standard documents; the various types of transactions relating to risk management work and the procedures for processing thereof; data office practices and procedures; use of standard office machines.

Ability to: understand and interpret laws, rules, regulations, policies and procedures; understand insurance policies, contracts and agreements; examine and identify various risk exposures and hazards; formulate insurance bid specifications; collect, maintain and analyze information; deal tactfully with employees and the public; make arithmetic computations; operate standard office machines; prepare reports.

**Health and Physical Condition:**

Persons seeking appointment to positions in this class must meet the health and physical condition standards deemed necessary and proper for performance of the duties.

**Physical Effort Grouping: Light**

This is the first minimum qualification specification approved for the new class INSURANCE AND CLAIMS ASSISTANT II, effective December 16, 2005.

APPROVED: October 27, 2006

## EDB Committee

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**From:** Wendy Nathan <Wendy.Nathan@co.maui.hi.us>  
**Sent:** Monday, April 13, 2020 7:31 PM  
**To:** EDB Committee  
**Cc:** Shirley Blackburn  
**Subject:** FY 2021 Budget (BD-2) (EDB-1); FY 2021 Budget (CC-1) (EDB-1)  
**Attachments:** BD-2 Corp Counsel Transmittal.pdf; BD-2 Corp Counsel PowerPoint.pdf; CC-1\_EDB-1 Response to EDB Committee.pdf; CC-1\_EDB-1 Response to EDB Committee\_Exhibits.pdf

Aloha Committee Chair Rawlins-Fernandez,

Attached please find the response from Budget Director relating to information requests to Corporation Counsel Moana Lutey, Department of the Corporation Counsel.

Thank you,  
Wendy Nathan

WENDY K. NATHAN | BUDGET SPECIALIST | BUDGET DEPARTMENT, OFFICE OF THE MAYOR | COUNTY OF MAUI  
TEL: (808) 270-8239 | EMAIL: WENDY.NATHAN@CO.MAUI.HI.US