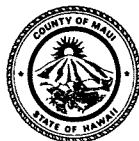


Council Chair
Alice L. Lee

Vice-Chair
Keani N.W. Rawlins-Fernandez

Presiding Officer Pro Tempore
Tasha Kama

Councilmembers
Gabe Johnson
Kelly Takaya King
Michael J. Molina
Tamara Paltin
Shane M. Sinenci
Yuki Lei K. Sugimura



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

April 2, 2021

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

Dear Ms. Lutey:

SUBJECT: **FISCAL YEAR ("FY") 2022 BUDGET** (CC-1) (BFED-1)

May I please request you be prepared to answer the following questions at the BFED Committee meeting held via BlueJeans on **April 5, 2021**.^{*} This will enable the Committee to comprehensively review the FY 2022 Budget. Please also submit your answers to bfed.committee@mauicounty.us by the end of the day on **April 7, 2021**. **Date subject to change without notice.*

Overall

1. If Council were to ask for an 11 percent cut in programs and activities funded by the General Fund to fully fund the recommendations proposed in the Comprehensive Affordable Housing Plan at \$57,000,000, without increasing real property tax revenue:
 - a. What programs or activities would you cut for your department? (TK)
 - b. What impact would the cuts have on residents? (TK)

Salaries and Wages (Category "A")

1. There is a proposed expansion request in overtime due to "online travel exemption work." (Page 1-6, Budget Details, 905018A/905310A, 5205)

- a. Please clarify the meaning of “online travel exemption work.” (MM)
- b. Please explain the need for overtime for civil service employees to do online travel exemption work. (TP)
- c. Is there other work that can be delayed instead of paying overtime, such as publishing older Board of Ethics’ opinions? (TP)

Operations and Equipment (Categories “B” and “C”)

1. The Department is requesting \$100,000 for a contracted analyst and secretary for the Charter Commission. (Page 1-10, Budget Details, 905205B, 6132)
 - a. Please clarify the meaning of “contracted staff.” (MM)
 - b. Have an analyst and a secretary already been contracted for the Charter Commission? (TP)
 - c. Do you anticipate this contract will run the entire length of the Commission’s term? (MM)
 - d. Are these positions referred to as Temporary Full or Part time hires? (MM)
 - e. What is the salary for each position and the length of the contract? (TP)
2. There is a proposed expansion request of \$60,000 in advertisement funding for the Charter Commission. (Page 1-9, Budget Details, 905205B, 6101)
 - a. Please justify the need for the request and explain how you arrived at the amount of \$60,000 for advertising for the Charter Commission. (TP) (GJ)
 - b. Can you provide more details on the types of advertisement the funds will cover? (TP) (MM)
 - c. What platform(s) do you feel is essential to use for advertisement? (MM)

Ms. Moana Lutey
April 2, 2021
Page 3

3. Please explain the need for \$100,000 for Professional Services for the Collective Bargaining Negotiations Operation. This item had not been previously budgeted for, but has now been requested two fiscal years in a row. (Page 1-8, Budget Details, 905020B, 6132) (TP)
4. Where are case costs reflected in the Budget? For example, monies spent on experts' fees, etc. (TP)
5. Please explain Risk Management's need for \$75,000 for Professional Services. This item had not been previously budgeted for, but has now been requested two fiscal years in a row. (Page 1-9, Budget Details, 905310B, 6132) (TP)
6. Please explain the Computer Software expense of \$12,584. Will this be an annual expense and for how long? (Page 1-9, Budget Details, 905310B, 6244) (TP)

Thank you for your attention to this request. Should you have any questions, please contact me or the Committee staff (Lesley Milner at ext. 7886, Kasie Apo Takayama at ext. 7665, or Yvette Bouthillier at ext. 7758).

Sincerely,



KEANI N.W. RAWLINS-FERNANDEZ, Chair
Budget, Finance, and Economic
Development Committee

bfed:2022bgt:210402acc01:kmat

cc: Mayor Michael P. Victorino
Budget Director

BFED Committee

From: BFED Committee
Sent: Saturday, April 3, 2021 11:11 AM
To: moana.lutey@co.maui.hi.us
Cc: BFED Committee; Michelle Santos; Zeke Kalua; michele.yoshimura@co.maui.hi.us; 'Lisa.Kahuhu@co.maui.hi.us'; 'Melody Andrion'; 'Jocelyn Moniz'; 'Cory-Lynn Vicens'
Subject: PLEASE READ attached letter re: FISCAL YEAR ("FY") 2022 BUDGET (CC-1) (BFED 1)
Attachments: 210402acc01 signed.pdf

Ms. Lutey: Please refer to the attached letter from the Budget, Finance, and Economic Development (BFED) Committee Chair, dated April 2, 2021.

Mayor's Office (attention: Michelle Santos and Zeke Kalua): Please forward the attached letter to Mayor Victorino.

Ms. Yoshimura: FYI

Thank you,
Yvette Bouthillier, Secretary
BFED Committee

MICHAEL P. VICTORINO
Mayor

MOANA M. LUTEY
Corporation Counsel

RICHELLE M. THOMSON
First Deputy

LYDIA A. TODA
Risk Management Officer



DEPARTMENT OF THE CORPORATION COUNSEL
COUNTY OF MAUI
200 SOUTH HIGH STREET, 3RD FLOOR
WAILUKU, MAUI, HAWAII 96793
EMAIL: CORPCOUN@MAUICOUNTY.GOV
TELEPHONE: (808) 270-7740
FACSIMILE: (808) 270-7152

April 7, 2021

Keani N.W. Rawlins-Fernandez
Chair, Budget Finance and Economic
Development Committee
200 S. High Street
Wailuku, HI 96793

APPROVED FOR TRANSMITTAL

Michael P. Victorino 4/9/21

Mayor Date

SUBJECT: Fiscal Year 2022 Budget (CC-1)(BFED-1)

Dear: Chair Rawlins-Fernandez:

Please see our responses to the Committee's questions dated April 2, 2021:

Overall

1. **If Council were to ask for an 11 percent cut in programs and activities funded by the General Fund to fully fund the recommendations proposed in the Comprehensive Affordable Housing Plan at \$57,000,000, without increasing real property tax revenue:**
 - a. **What programs or activities would you cut for your department?**
 - b. **What impact would the cuts have on residents?**

The Department's proposed budget has remained consistently flat year to year, with the increases requested for FY22 attributable to required civil service bargaining unit increases (\$98,371), and, the estimated expenses of the Maui County Charter Commission (\$172,000). Given that the Department's modest budget is almost entirely comprised of salaries/wages and operations, a reduction in the Department's budget would have no meaningful impact on the financial goal of the Comprehensive Affordable Housing Plan and could result in a

decrease of the Department's ability to serve its clients, which are the Council, administration, departments, boards, and commissions.

Salaries and Wages (Category "A")

1. There is a proposed expansion request in overtime due to "online travel exemption work." (Page 1-6, Budget Details, 905018A/905310A/5205)

a. Please clarify the meaning of "online travel exemption work."

In mid-2020, the County became responsible for overseeing the travel quarantine exemption program for interisland travelers, under the State's proclamation and the County's emergency rules. Our Department was tasked with developing the program and handling requests for primarily work-related travel exemptions into the County of Maui. Due to the sheer volume of travel requests, we needed the assistance of our entire office to keep up. To date, we have handled in excess of 30,000 requests, each requiring review of employer or official documentation and often requiring follow-up. Each request takes a minimum of 5 minutes to review and process, and up to 40 minutes or more for repeated contact or searches of the system for duplicate or group requests. In terms of cumulative time spent, this amounts to a minimum of 2,500 – 5,000 hours. Additionally, our Department participated in the screening of travelers at the airport for several months until a private contractor could take those in-person duties over.

b. Please explain the need for overtime for civil service employees to do online travel exemption work.

Civil service employees assisting with travel exemption requests were given the option of receiving overtime or CTO. The need to continue providing travel exemption reviews will continue into FY22. Although CARES Act funding was approved for the OT in FY21, the Department does not know if it will receive that funding in FY22.

- c. Is there other work that can be delayed instead of paying overtime, such as publishing older Board of Ethics' opinions?**

We prioritize deadlines and try to take care of the exemption requests during normal work hours. However, they are submitted 7 days a week and sometimes we are inundated with so many requests it is not possible to keep up during normal work hours. Volume is especially heavy the first and last weeks of each month as employees submit their anticipated travel schedules.

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

- 1. The Department is requesting \$100,000 for a contracted analyst and secretary for the Charter Commission. (Page 1-10, Budget Details, 905205B, 6132)**

Please note that the \$100,000 includes additional contracted services such as transcription of Commission minutes, in addition to the proposed services of a secretary and analyst. Further, as discussed during the April 5, 2021, BFED Committee meeting, the Charter Commission has discussed and is anticipated to request additional funding for a more robust community outreach/public relations presence, possibly in the approximate amount of \$100,000 to \$150,000.

- a. Please clarify the meaning of "contracted staff."**

These duties are anticipated to be handled by independent contractors, under contract procured via RFP with the County.

- b. Have an analyst and a secretary already been contracted for the Charter Commission?**

No. The solicitations are underway. The selections will be made by the Commission.

- c. Do you anticipate this contract will run the entire length of the Commission's term?**

The board secretary's duties will run the length of the Commission's term. It is likely that the analyst's services may be needed for the full term, depending on the needs of the Commission.

d. Are these positions referred to as Temporary Full or Part time hires?

No. These services will be performed by independent contractors.

e. What is the salary for each position and the length of the contract?

Currently, the solicitations are being made under the "small purchase" threshold of \$25,000 each. Please see the answer to (c), above.

2. There is a proposed expansion request of \$60,000 in advertisement funding for the Charter Commission. (Page 1-9, Budget Details, 905205B, 6101)

a. Please justify the need for the request and explain how you arrived at the amount of \$60,000 for advertising for the Charter Commission.

The \$60,000 is based on the expenses from the 2011-2012 Charter Commission, and is anticipated to be used on graphic design, pamphlets, print, postage, and other print or electronic media projects.

b. Can you provide more details on the types of advertisement the funds will cover?

Please see the answer to (a), above.

c. What platform(s) do you feel is essential to use for advertisement?

The choice of public outreach will be determined by the Charter Commission, but is anticipated to include both print and online media.

- 3. Please explain the need for \$100,000 for Professional Services for the Collective Bargaining Negotiations Operation. This item had not been previously budgeted for, but has now been requested two fiscal years in a row. (Page 1-8, Budget Details, 9050202B, 6132)**

The \$100,000 for a professional negotiator in interest arbitrations was initially included by prior Councils. At this time, it is not certain that the funds will be needed.

- 4. Where are case costs reflected in the Budget? For example, monies spent on experts' fees, etc.**

Litigation expenses are generally charged to the Self-Insurance Fund.

- 5. Please explain Risk Management's need for \$75,000 for Professional Services. This item had not been previously budgeted for, but has now been requested two fiscal years in a row. (Page 1-9, Budget Details, 905310B, 6244)**

The Department executed a contract with Target Solutions/Vector Solutions in December 2020. Subject to appropriation, the term of the contract is 36 months with an option to extend, which reflects the work needed to get this program up and running. Currently the contract is for 1,350 users and has the ability to build out 5 separate sub-sites for departments. This contract was executed with the goal of providing an online learning management system that delivers specific municipality centered training courses for all County departments as well as the ability to track employees' continuing education hours and other licenses that are needed to comply with OSHA requirements. Risk Management Safety Specialists Marcie Hoag and Mark Middleton are the overall site administrators and work closely with department administration to tailor the platform to individual needs.

Maui Fire Department was previously utilizing the program as of March 2020 and has since been integrated into this Department's contract. There was no disruption in Target Solutions' services, and this transition to one contract under our Department has allowed MFD to use those allocated funds for other training needs within the department. Additionally, the Countywide contract allowed MFD to include the Ocean Safety Division in online training as well.

As of April 2021, Corporation Counsel, Water Supply, Public Works and Environmental Management, Wastewater Division are all enrolling and executing training for their employees. Housing and Human Concerns, Senior Services Division is beginning to select employees who would benefit from this platform and will hopefully be ready to start using the system this month. Risk Management's first-year goal is to have all the departments with 100 employees or more enrolled in the platform by December 2021.

The funds budgeted for this project also include the future goal of integrating Target Solutions into the Workday system. That work would need to be completed by an outside vendor who would work with the IT department. Risk Management will begin work on that aspect of the program in FY2022.

6. Please explain the Computer expense of \$12,584. Will this be an annual expense and for how long? (Page 1-9, Budget Details, 905310B, 6244)

This expense was associated with Investipro platform, a standardized personnel investigation platform that was in use Countywide. Unfortunately, the company has declared bankruptcy and is no longer in existence. We have identified a replacement for the platform and are in the process of implementation. The cost of this program is anticipated to be approximately \$20,000, which will be borne by this Department for the first year, and since it will be used across multiple departments, it is anticipated that IT will pick up the expense in its budget from year 2, forward.

Two additional questions were asked during the April 5, 2021, Budget Committee consideration of the Department's proposed budget:

7. Regarding Goal/Objective No. 4, Corporation Counsel Budget Narrative, to validate the savings of FAST TRACK on General Liability and Auto Liability program fees, the Committee questioned the discrepancy in the amounts listed as FY2021 estimate and FY2022 estimate.

The \$5,000 listed as the estimate for FY21 was in error; however, once an amount has been entered in the Department's Budget Narrative, it has been the practice not to alter previous entries. The estimate for FY21 should have been \$25,000, consistent with the FY20 actual of \$26,951, and FY2019 actual of \$23,226. As of the second quarter of FY21, the reduction in program fees with Fast Track is \$18,845.

8. Councilmember Paltin requested additional information on expert fees paid in relation to Hawaii Wildlife v. County of Maui.

The total expense for this case since 2012 is \$5,481,627.83, which includes \$4,300,000 in approved special counsel fees (see resolution 18-189), and \$1,181,627.83 in other litigation expenses.

Thank you for the opportunity to respond.

Sincerely,



MOANA M. LUTEY
Corporation Counsel

BFED Committee

From: Michele Yoshimura <Michele.Yoshimura@co.maui.hi.us>
Sent: Friday, April 9, 2021 11:29 AM
To: BFED Committee
Subject: CC-1, BFED-1
Attachments: (CC-1) Response.pdf

Please see attached response from the Department of the Corporation Counsel.