

COUNCIL OF THE COUNTY OF MAUI

BUDGET AND FINANCE COMMITTEE

March 16, 2001

Committee
Report No.

01-45

Honorable Chair and Members
of the County Council
County of Maui
Wailuku, Maui, Hawaii

Chair and Members:

Your Budget and Finance Committee, having met on February 27, 2001, makes reference to County Communication No. 01-48, from the Prosecuting Attorney, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2001 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO THE DEPARTMENT OF THE PROSECUTING ATTORNEY".

The purpose of the proposed bill is to create a new full-time Deputy Prosecuting Attorney position (1.0 equivalent personnel) in its General Prosecution Program.

At its meeting, your Committee met with the Budget Director, the Prosecuting Attorney, and a Deputy Corporation Counsel.

The Prosecuting Attorney informed your Committee that the Department has not added additional Deputy Prosecuting Attorney positions since February of 1993. He noted that the headcount for attorneys has been stable, and the Department currently employs 26 attorneys. Although Department statistics indicate more than a 20 percent increase in the caseload since July 1, 1995, the work of the Appellate Division has almost doubled during the same time frame. As an example, there were 39 appeals filed in 1996 and 72 in 2000. He stated that the trial deputies have not only adapted to an increase in their own caseload, but have taken on appeal-writing duties as well. This additional work increases the strain on an already overworked staff.

In addressing the timing of this request in proximity to the upcoming budget session, the Prosecuting Attorney stated that the request was due to the following reasons. First, one experienced attorney in the Appellate Division recently accepted a position in the Department of the Corporation Counsel. This attorney was carrying the workload of two attorneys, and his departure has left a

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significant void in the Department of the Prosecuting Attorney. Second, the funding source (from budget surplus due to salary savings) is currently available to pay for an additional entry level position, which would allow the Department to move an experienced attorney to the Appellate Division. Third, an increase in convictions has led to an increase in appeals.

After extensive discussion regarding the timing and expansion request, your Committee voted to recommend passage of the proposed bill on first reading and filing of the communication.

Your Budget and Finance Committee RECOMMENDS the following:

1. That Bill No. _____ (2001), attached hereto, entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2001 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO THE DEPARTMENT OF THE PROSECUTING ATTORNEY" PASS FIRST READING and BE ORDERED TO PRINT; and
2. That County Communication No. 01-48 be FILED.

Adoption of this report is respectfully requested.

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