

**COUNCIL OF THE COUNTY OF MAUI**

# **BUDGET AND FINANCE COMMITTEE**

November 6, 2015

**Committee  
Report No.** \_\_\_\_\_

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 October 13, 2015, makes reference to County Communication 15-164, from Councilmember Riki Hokama, relating to amendments to the Fiscal Year ("FY") 2016 Budget.

By correspondence dated August 13, 2015, the Budget Director transmitted a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2016 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART I, GRANT REVENUE – SCHEDULE OF GRANTS BY DEPARTMENTS AND PROGRAMS, DEPARTMENT OF THE PROSECUTING ATTORNEY (STATE OF HAWAII GRANT-IN-AID)."

The purpose of the proposed bill is to amend the FY 2016 Budget by adding a \$150,000 appropriation for the Department of the Prosecuting Attorney, to enable the County to receive a grant from the State of Hawaii Grant-In-Aid, for the prosecution of cases in the drug and mental health courts, pursuant to Act 65 (2015).

The Prosecuting Attorney informed your Committee the Drug Court is a program of the Hawaii State Judiciary started in 1999 that handles cases of non-violent substance-abusing offenders with the aim of helping offenders receive treatment as an alternative to incarceration.

He further informed your Committee the Mental Health Court is a Judiciary program, commenced in 2005, that operates similarly to the Drug Court, but focuses on cases where a criminal defendant raises a mental health disorder as a defense.

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The Department intends to allocate equal portions of the grant between the drug and mental health court programs, or \$75,000 to each program. The grant will be used to:

- Purchase new equipment and software that are compatible with the systems used by the drug and mental health courts.
- Pay for prosecutors to attend trainings and conferences on drug and mental health treatment programs.
- Pay for the overtime costs incurred by existing clerical staff related to the handling of cases in the drug and mental health courts.
- Hire one additional clerical position as a limited term appointment (“LTA”) to assist with drug and mental health court cases.

The Prosecuting Attorney noted the success of the drug and mental health court programs has increased the workload of the Department’s clerical staff, resulting in greater overtime costs and employee fatigue. The grant will help offset the Department’s overtime costs and reduce the workload of existing staff by allowing the Department to hire an LTA clerical position.

The Prosecuting Attorney further noted the Department is unsure if the grant will be available beyond FY 2016. If the grant is not available in future fiscal years, then the Department would seek additional appropriations from the General Fund to retain the LTA clerical position as a permanent county employee.

Your Committee expressed its support for the Department’s participation in Drug Court and Mental Health Court, noting offenders receive more appropriate treatment than offered by traditional incarceration. This alternative method of rehabilitating offenders reduces the burden on the State’s jails and prisons.

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Your Committee revised the proposed bill to clarify the grant was authorized by the State through Act 65 (2015).

Your Committee voted 8-0 to recommend passage of the proposed bill on first reading, incorporating your Committee's recommended revisions. Committee Chair Hokama, Vice-Chair White, and members Baisa, Carroll, Cochran, Couch, Crivello, and Guzman voted "aye." Committee member Victorino was excused.

Your Committee is in receipt of a revised proposed bill, entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2016 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART I, GRANT REVENUE - SCHEDULE OF GRANTS BY DEPARTMENTS AND PROGRAMS, DEPARTMENT OF THE PROSECUTING ATTORNEY (STATE OF HAWAII GRANT-IN-AID (ACT 065 (15))), approved as to form and legality by the Department of the Corporation Counsel, incorporating your Committee's recommended revisions and nonsubstantive revisions that take into account prior amendments to the FY 2016 Budget.

Your Budget and Finance Committee RECOMMENDS that Bill \_\_\_\_\_ (2015), attached hereto, entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2016 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART I, GRANT REVENUE - SCHEDULE OF GRANTS BY DEPARTMENTS AND PROGRAMS, DEPARTMENT OF THE PROSECUTING ATTORNEY (STATE OF HAWAII GRANT-IN-AID (ACT 065 (15))), be PASSED ON FIRST READING and be ORDERED TO PRINT.

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This report is submitted in accordance with Rule 8 of the Rules of the Council.



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RIKI HOKAMA, Chair

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ORDINANCE NO. \_\_\_\_\_

BILL NO. \_\_\_\_\_ (2015)

A BILL FOR AN ORDINANCE AMENDING  
THE FISCAL YEAR 2016 BUDGET FOR THE COUNTY OF MAUI  
AS IT PERTAINS TO APPENDIX A, PART I, GRANT REVENUE -  
SCHEDULE OF GRANTS BY DEPARTMENTS AND PROGRAMS,  
DEPARTMENT OF THE PROSECUTING ATTORNEY  
(STATE OF HAWAII GRANT-IN-AID (ACT 065 (15)))

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Ordinance No. 4231, Bill No. 38 (2015), Draft 1, as amended, "Fiscal Year 2016 Budget", Appendix A, Part I, Grant Revenue - Schedule of Grants by Departments and Programs for Fiscal Year 2016, is hereby amended as it pertains to the Department of the Prosecuting Attorney, by adding a new grant entitled, "State of Hawaii Grant-In-Aid (Act 065 (15))", in the amount of \$150,000, to read as follows:

"11. Department of the Prosecuting Attorney

- |  |         |
|--|---------|
| a. Asset Forfeitures Program   | 100,000 |
| (1) Provided, that a quarterly report be submitted to Council on the use of forfeiture funds.            |         |
| b. Career Criminal Program   | 153,118 |
| (1) Provided, that disbursement for salaries and premium pay is limited to 1.0 LTA equivalent personnel. |         |
| c. Criminal Justice Information System Program   | 36,387  |
| (1) Provided, that disbursement for salaries and premium pay is limited to 0.2 LTA equivalent personnel. |         |
| d. Defendant/Witness Trial Program   | 170,000 |
| e. Domestic Violence Investigations Program  | 100,492 |
| (1) Provided, that disbursement for salaries and premium pay is limited to 1.0 LTA equivalent personnel. |         |
| f. Edward Byrne Memorial Justice Assistance Grant  | 169,611 |
| (1) Provided, that disbursement for salaries and premium pay is limited to 1.0 LTA equivalent personnel. |         |

g. Food Stamp Fraud Prosecution Program	3,000
h. Highway Safety Grant Program	50,000
i. Justice Reinvestment Initiative (JRI) Program (1) Provided, that disbursement for salaries and premium pay is limited to 2.0 LTA equivalent personnel.	161,699
j. Prosecutors Training Program	50,000
k. Special Needs Advocacy Program (1) Provided, that disbursement for salaries and premium pay is limited to 6.0 LTA equivalent personnel.	579,242
l. Victim/Witness Assistance Program (1) Provided, that disbursement for salaries and premium pay is limited to 1.0 LTA equivalent personnel.	81,080
m. <u>State of Hawaii Grant-In-Aid (Act 065 (15))</u>	<u>150,000"</u>

SECTION 2. New material is underscored.

SECTION 3. This Ordinance shall take effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:

  


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 JEFFREY UEOKA  
 Deputy Corporation Counsel