

The departmental budget reviews reconvened on April 20, 2012 at 8:45 a.m., and proceeded as follows:

Excused: Council Chair Furfaro (8:45 a.m. to 1:39 p.m.)

PROSECUTING ATTORNEY:

Mr. Rapozo: Budget session called back to order and for the record Chair Furfaro is excused for the morning session and hopefully will be back later in the afternoon. Councilmembers Kualii and Yukimura are in the building and they will be here shortly.

First up today is the Prosecutor's Office. It is 8:45 a.m. and we have a two-hour session and just want to let the Councilmembers know that the Office of the Prosecuting Attorney has a commitment at 11:00 a.m., so we will need to try to get whatever we can in this block of time today. And then I believe Elderly Affairs comes up at 11:00 a.m. So after our caption break we will continue with Elderly Affairs.

Councilmember Yukimura is now in the room. Prosecutor, you may begin your presentation.

SHAYLENE ISERI-CARVALHO, PROSECUTING ATTORNEY: Good morning, Shaylene Iseri-Carvalho, Prosecuting Attorneys along with First Deputy Prosecuting Attorney Jake Delaplane.

JAKE DELAPLANE, FIRST DEPUTY PROSECUTING ATTORNEY: Good morning Members of the Council, First Deputy Prosecuting Attorney, Jake Delaplane.

I am going to go through our budget presentation today by PowerPoint; I have it up on the screen. Each of you should have a packet with a note typed slide and also our budget narrative. So I apologize for the typo there on the main screen. So today's presentation we are going to go over the mission and objectives of the OPA, our successes and achievements over the past year, challenges, and our vision for 2013.

As a lot of you know, the mission of the Office of the Prosecuting Attorney is to strive to promote the fair and impartial and expeditious pursuit of justice, partner with law enforcement to ensure the safety of our neighborhoods, zealously protect the rights of victims and actively engage the community in awareness and crime prevention efforts. And so everything that we talk about today is going to relate to one of these areas. And as you will see throughout the presentation, we have made some great strides over the past year and we have some very ambitious plans for the coming Fiscal Year.

The first set of, I guess, achievements and successes I want to talk about deal with our felony case statistics and our caseload. And what I am showing here is a chart that illustrates our felony caseload over the past three (3) Fiscal Years. So from '08 all the way up to Fiscal Year 10-11. And as you can see, each year we have had a significant climb, and actually if you took this graph back a few more years, it has been a steady climb in felony case statistics over the past, I believe, five to seven (5 to 7) years. So we have seen very significant increases from year-to-year, from '09 to '10, we saw an increase of nineteen percent (19%) from that 1,636 number, up to 1,954. All of this data comes from the Judiciary 2011 Annual Report, and that is actually available on-line at the Judiciary's website. They also have prior years' statistical information as well, so if you have questions about whatever the statistics were back in 2008, they have that information readily available.

Our district court criminal case statistics, this again from 2008 all the way to the '10-11 year. You can definitely see a fairly sharp increase and this has been fairly typical of our district court

criminal cases. Now, when we talk about District Court Criminal cases, that is not including traffic, so these are not traffic citations that are included in these numbers. These are just criminal cases, things like harassment. There would be driving without a license type of cases that are included in there, but we are not talking about simple decriminal infractions that we do not normally handle, unless there is a demand for it. The increase from last year to this year is 20%, and again all of the percentages I am giving today are just a comparison with last Fiscal Year to the '10-11 Fiscal Year. So we saw the increase of 20% and again, I believe we were at 19% on felonies and then right at 20% on our District Court Criminal. So we are continuing to see an increase. The increase is not quite as high as it was last year. I believe we had in the 40 and 30% increases last year. It is beginning to steady but nonetheless it is increasing and we are seeing on a broader scale that the actual types of cases that we are getting tend to be more severe. So that has been a trend that started with the economic downturn in 2008 and has continued until now. Not only are we seeing an increase in the actual numbers themselves, but the seriousness of crimes, murders, robberies and attempted murders, and that sort of thing; it is definitely skyrocketing and is a challenge that we keep seeing every year.

Ms. Iseri-Carvalho: Just to add, I know we do not have it on the screen the District Court Traffic case statistics, but those are actually where the most volume of work is being done, and we have approximately 20,000 cases, traffic cases, that are not representative in any of these charts.

Mr. Delaplaine: Right. And I apologize for leaving that out. Here we have our Juvenile case statistics. This slide here, we had a decrease of 7% from '09-'10 to '10-'11, but if you went back one (1) year to '07-'08, the difference between '07-'08 and '08-'09, there was 142% increase there during that year. So we have seen a significant climb at least from '07-'08 up to this 4,000 level. As you can see '08-'09, '09-'10, '10-'11, it has been hovering right around the 4,000 range, give or take. Again, in our actual case analysis of our Juvenile crimes, we are seeing juveniles engage in more serious types of offenses, we are seeing more felony type of offenses be committed by juveniles, and a lot of this can be related to prescription drugs. We have seen a lot of juveniles start getting in both using prescription drugs and committing property offenses like burglaries and robberies and those types of things, where they are after those prescription drugs not only to use them, but to sell them; they do command a fairly high price in the drug market. So although we saw a decrease of 7%, we are still seeing those very serious types of cases come in with our juveniles.

This is a little bit different chart and I believe we showed this at our January presentation in response to a Council inquiry, but it is basically the open, closed, and pending cases in the Circuit Court, and I used this to calculate what our efficiency improvements were. So from '09-'10 to '10-'11 we were 47% more efficient in bringing cases to a close, meaning bringing them to adjudication either through plea offers, trials, or however that process went about. Our Circuit Court attorneys have done a fantastic job, and again, I think it is important to look, you see we had more cases opened, a significant number of cases that were opened, actually initiated during the last Fiscal Year, but as you can see we kept right up and actually did better as far as the percentage of cases that we were closing, even given the increased caseload. So our attorneys have done a fantastic job with that, and I think an increase of 47% in efficiency is definitely applaudable and speaks to the experience and quality of our Deputy Prosecuting Attorneys.

Again in District Court, we had a 26% increase in efficiency and closed cases. So again, this is excluding traffic as I talked about earlier, this is relating just to the District Court criminal cases that we saw.

Mr. Rapozo:

Jake, I am sorry, can you remove that...

Mr. Delaplane: Those are the raw numbers and actually in the slide presentation, I should not get so fancy with my PowerPoint. So the increase of 26%, again we have a great staff of Deputy Prosecutors, some of them are fairly new and have been hired on over the past year, but we have seen great quality work out of them. I think the numbers speak for themselves as far as what their abilities are and how they are handling things.

Our total caseload, I kept this slide, this is from a prior presentation that we did, but as you can see over the years, especially since 2006-2007, you can see how our caseloads have increased. It is fairly dramatic and we do not expect that to wane anytime soon. Even between 2009-2010 we had an increase from 22,700 up to 26,599 in 2010-2011. Again, looking at sort of preliminary what our numbers look like for this year we are expecting another increase, whether it is as significant or not, I am not sure at this point. We will know once the Fiscal Year ends. But it is definitely on the rise, and again, not just in sheer case numbers, but the type and severity of the crime has increased and continues to increase every year for the past six (6) years. I will not go over this, this was a slide that was left in, just showing that with our furlough money that we got back from the Council in order to bounce back from the furloughs. We had a 73% decrease in the amount of cases that were pending review. So that means cases that were sitting in the office, pending screening, awaiting charging, and we have kept that up to date. So our numbers have stayed about the same as far as numbers pending review. I believe we are right around this 160 mark as of today, cases that are awaiting charging in our office.

So now, I want to talk about our actual case statistics and how we are doing on our cases as far as conviction rates and as you will see, our Prosecutors have maintained just absolutely phenomenal conviction rates in each of these arenas. So I am going to start with property crimes and those are your burglaries, your thefts, credit card fraud, forgeries, and those things. We had 71% pled guilty and again this 29% figure that were dismissed without prejudice. Those are not included in the calculation, again, because you run the risk of double counting and this is the format that the Attorney General's Office has us use for our case statistics. So dismissed without prejudice for those of you watching at home means a case that is dismissed, but can be brought back and often is brought back by the Office of the Prosecuting Attorney for a number of procedural reasons whether it is dismissed because of new charges that are discovered, or dismissed so that we can proceed another way procedurally, such as taking the case to grand jury and initiating it through information charging. There is a quite a number of things that can lead to that. So some of those cases that were actually dismissed without prejudice may also be counted down here in the "pled guilty" column of 71%. So again, 100% conviction rate, there were no acquittals, there were no dismisses with prejudice, and our Property Crimes Unit has been doing a great job. It is one of our heaviest volume felony units that we have in our office.

Our methamphetamine statistics. These are felony drug cases involving methamphetamine. We had 77% plead guilty, we had 3% by trial, and we did have 3% acquitted at trial. None dismissed with prejudice and 17% that were dismissed without prejudice, so that yielded a 97% conviction rate. Our Second Deputy Prosecutor Sam Jajich, is our Drug Crimes Prosecutor. The next slide will deal with other drug crimes which include the prescription drug crimes. But he has done a phenomenal job with these cases. Often times these cases tend to drag out for quite a while. We see a lot of defense attorneys that ask for continuance after continuance and we see these cases sometimes extend over years at a time. But Sam has done an amazing job keeping up with them and making sure that those that are dealing drugs in our community, especially those dealing drugs to our kids are held accountable.

Our other drug crime statistics, like I said, this is going to include your prescription drug crimes, your heroin, your steroids. We have had a few of those cases come through recently and cocaine is another one. Basically 87% plead guilty, one of our highest, actually, percentages of people

that are just pleading guilty to the cases and then dismissed without prejudice, 13%. Again, conviction rate of 100% no acquittals, no dismissals with prejudice.

Our career criminal statistics, John Murphy, one of our most experienced Deputy Prosecutors handles these types of cases and these cases typically involve the people that we see over, and over, and over again come through the court system. So the way that we classify "career criminals," is a little bit different than some of the other islands. When we class classify "career criminals," we are talking about people that are currently on probation or have a very recent conviction on a felony case and have since re-offended. So when you talk about in the grand scheme of things the type of cases that we handle, these represent the worst of the worst; the people that tends to be the most problem in our community. So we had 79% of those plead guilty, 4% guilty by trial, no acquittals, and no dismissals with prejudice, and again 17% figure on dismissed without prejudice, yielding 100% conviction rate. I believe to-date that is our best conviction rate we have achieved in the career criminal cases. Like I mention with the meth and drug cases, because these criminals have so much at stake in these trials, often they are facing mandatory minimum sentences, so that means that if they are convicted, they will be serving a set amount of time in prison. These are our highly contentious cases and so they do have the potential to drag out and to go on for quite a long time. But again, John Murphy has done a phone phenomenal job in processing these cases efficiently and making sure that those who re-offend repeatedly time after time, are held accountable and serve the kind of time that they deserve for the crimes that they commit.

Sexual assault statistics, these are going to be our felony sex assaults, these include the sex assaults against children as well as adults. We had 92% plead guilty, no trials, actually 1% acquitted by trial, and we had 7% dismissed without prejudice. So again, sexual assault as a lot of you know, especially those following the judicial system and watching the more high-profile cases, these are again, actually that should beslightly adjusted with the 1% acquittal, it should be at 99%. These cases are again highly litigated. Because the penalties for sexual assault are so high, plus the registration requirements are fairly stringent, so those that are convicted of sex offenses have to go through rigorous sex registration requirements. We will talk about that later as it relates to a joint project between the Office of the Prosecuting Attorney and the Kaua'i Police Department. But again, Lisa Arin, is our Deputy Prosecutor assigned to these and she is very experienced in handling these type of cases. Shaylene also is probably one of the most successful prosecutors we have ever had on Kaua'i so far as prosecuting sexual assaults. This conviction rate here, it is at 99%. If you look back you know, even just as short as five (5) years ago, those conviction rates were down in the 60% range and even lower on sexual assaults. So with an increased focus on training and an increased focus on working with KPD, and advising them throughout the course of their investigation, we have been able to really increase this conviction rate and get it to the type of area and the type of number that these cases really deserve. Again, these are some of the most heinous crimes we deal with, especially the sex crimes against children. So we really put a lot of focus on making sure these cases are processed through very carefully and that we prosecutoe all of these offenders to the absolute best of our ability.

Domestic violence cases in 2011, we had 88% plead guilty, 4% guilty by trial, 1% acquittal, and 0% dismissed without prejudice, and 7% dismissed with prejudice, yielding a 98% conviction rate. So again, domestic violence cases are often it is a he said/she said type of situation. You may only have one witness at the home saying that I was abused and this is what happened. So these are again very tough cases to handle and we had Becky Voelk at one time, who is now felony property crimes attorney, handling these cases and now we have one of our newer attorneys, Gary Nelson handling these. Again, they work very closely, not only with our District Court and Family Court staff, but also with our staff that handles the felony sexual assaults as well. As we see a lot of these cases are interrelated and a lot of times when you have domestic violence and domestic abuse going on in thehome, you have other issues, including sexual assault, and including sexual assault against children in the home. So all of our prosecutors work together, especially these two areas, our

domestic violence and sexual assault prosecutors work together to ensure we have a cohesive and sensible approach to each of these cases.

Our victim services for 2010-2011, we had three (3) victim-witness counselors, one (1) victim-witness clerk from July 1, 2010 to June 30, 2011. We have a total of 714 total victims served, 337 of those were involved in crimes against persons. We had 318 that involved victims of property crimes and then we had a 59 figure that fell in to actually both of those categories. Broken down by services that were provided, 706 for education and information, 671 for advocacy, 565 for counseling, 300 case preparation, 139 crime victim compensation, 167 court accompaniment, 32 referrals, 19 for transportation, 3 outreach, and we did not have any shelter referrals last year.

As we have presented this to Council, I think it is important to note though as far as how our operations are conducted and it relates to victim services as well, but in a lot of jurisdictions they have what is called "horizontal prosecution." What that means is that you have deputy prosecuting attorneys that are assigned to courtrooms. For example, you may have 2 felony courtrooms and you may have 2 to 3 deputies assigned to each courtroom. So that means whatever case comes through that particular courtroom, that deputy will be handling without any regard to the type of case. Often times the horizontal prosecution model, the way cases are divided amongst attorneys are divided through an alphabetical system. So if you have three (3) attorneys assigned to the courtroom, one may take a-l and another one a different chunk of the alphabet, and they basically split it up in court and handle it. That is one method for processing cases through and it actually can be efficient if implemented, but what you lose is the direct contact with victims and continuity from start to finish. For just as a brief overview of how the court system often works, we have two (2) tiers in our court. So the first tier is District Court; that is the lower level court. They have original jurisdiction, your lower level type of offenses, traffic offenses, anything that could be punished up to one (1) year in jail and up to a \$2,000 fine. Also, all felony cases that are not brought by way of grand jury or felony information charging are initiated in the District Court. And so that means that even a murder case if it is not brought by way of grand jury or not brought by way of felony information charging, it is brought through the District Court through filing a complaint. So what you lose in these types of cases, if you had a horizontal prosecution model, you would have one (1) set of attorneys that are handling the case in District Court at intake when the case comes in, and then a completely different set of attorneys once that case gets waived over to Circuit Court. So you lose a lot of continuity and it is also very confusing for victims and witnesses who have to testify multiple times at court hearings. So what we engage in at the Office of the Prosecuting Attorney, and again Shay brought this in when she was elected in 2008, is the vertical prosecution model; Prosecutors are assigned to cases and not court. So if you have a murder case or sexual assault case that comes into the office, it is handled by the same Deputy Prosecutor all the way from intake, so the moment that that comes in on a 48-hour packet, or the moment that the police come over and say hey we have a case that will be referred to your office for charging. You have the same prosecutor working on that case from start to finish. So they are contacting witnesses, they are highly engaged in the process all the way through. How that relates to victim services is that it creates this continuity and close relationship with the victims and witnesses in each case. So instead of parsing out all the victim-witness contact to employees, whether that is our Victim Witness Counselors, or some of our other staff that have contact with our victims and witnesses, instead of just parsing that out and farming that out to those individuals to be the only points of contact, now you have the actual attorney who is in court, handling the case, arguing the motions, and appearing on the case in front of the judge and representing the State, as well as the victims in the case. As you can see, I think a lot of our victims and witnesses have given us quite a bit of good feedback as far as this model being the best and sensible approach to handling criminal cases. I can tell you that when victims and witnesses call our office, and we field over 100 calls a day, the most requested person to talk to is not our Victim-Witness Counselors or other legal staff, it is the attorney handling the case. And so we have our system set up in a way that our attorneys do answer calls and take calls from our victims and witnesses and they provide services as well. So we are taking a multi-faceted approach to contacting victims, contacting witnesses, and providing

services to them both in the avenues of referrals to other agencies, but also keeping them updated on what is expected of them as a victim or witness, what their rights are, or what sort of recourse they may have as far as crime victim compensation funds fees or any of those other things that our victims and witness are entitled to. We have our whole team taking the approach to providing those services on a comprehensive level.

So again, we have had a very significant increase in efficiency in processing our cases over the past year and we have done that despite the climbing caseloads and also despite the climbing, the heightened severity of the cases we are seeing. We have also engaged in an electronic file storage project; we worked with the IT Department. That is scheduled to begin fairly shortly. We have identified the vendor and I believe the notice of award went out. But just as Council Services did their scanning operation, we are also going to be scanning I believe our 3 million documents that we have that are currently in paper form. Because of the nature of the types of cases that we deal with, especially our A felonies, our murders, our A felony sexual assault cases, we are required by law to keep those cases on file forever. So we do not ever get rid of those cases. Sometimes we see those things come back, 10, 15, 20 years later if there is some kind of appellate issue that comes back. So we are required to keep everything that we have. As you could over time that builds up and that is why we have over 3 million pieces of papers that are stored in boxes, file cabinets, attorneys' offices, just all over the place. So we are going to be scanning those in to an electronic data system and they will also be tagged, too, which I think has been an issue with some of the other County agencies that were involved in the electronic file storage project. There were some issues with not tagging the information, so that while you may have engaged in the scanning, an electronic copy saved, it is very difficult to find anything. So we have devised our system that so we have a logical approach to the project, so that any of our files that we maintain are going to be readily available, readily searchable, so we can pull them up at a moment's notice.

We have also been working on our new case management system that again is another project that should be scheduled to close fairly shortly. The Police Department, as many of you may know, have also been engaged in getting a new records management system, which I believe is scheduled to go on-line this summer. And what we have been working with is making sure that we are going to have interconnectivity with our office's information system, the Police Department's information system, as well as the Statewide information systems that we often times have to input or pull data from. So those would be the Juvenile Justice information systems (or JJIS), the CJIS system, and also other systems that contain the sex offender registry information from the Attorney General's Office. So our focus for case management has been interconnectivity and information sharing not just on the island, but statewide and also on a national level, as much as we can. So we definitely share in the Statewide vision of this criminal justice interconnectivity. We also, since we are required, even when we do our electronic file storage project and scan each of those 3 million pages into our electronic database, there are still going to be things that we have to have in paper form. So that need for storage is not going to disappear. So what we did this year is that we had a project for centralized mechanical file storage. So instead of having files all throughout the office, in file cabinets and attorney offices, all of that, we are taking all the files and putting them in one place on a mechanical rolling file storage system like you may see at the doctor's office or at some of our libraries, I believe have those as well. So that all of our files are in one place and that we, with our increasing volumes, you know, with nearly 27,000 cases, just this past year, we have to stay organized and make sure that we keep all of our files in a centralized location.

Our P.O.H.A.K.U. Project we launched it this past year in 2011. I believe it was in August of 2011 when we made our first referrals to the P.O.H.A.K.U. program; it has been a resounding success. I know we have given a presentation as part of our last year's budget presentation to the Council, but this is a program that focuses on restorative justice, personal responsibility, and community service. So the participants that participate in P.O.H.A.K.U. are typically first-time, non-violent, low-level offenders, meaning people with cases in District Court that again based on

their prior record qualify for diversion. This is essentially a second-chance program that gives people the opportunity who just made a mistake, who are first-time offenders, who were completely cooperative with law enforcement, to participate in a program where they learn about personal responsibility and also traditional hawaiian values that are incorporated into that. So there is a class that they attend, and they also engage in community service. But like we have said many times before, this is not going to be your typical type of community service where just going to go out and pull weeds on the side of the road. The purpose of the P.O.H.A.K.U. Program is not to create professional weed pullers, we are out there trying to create productive citizens and contribute and become part of a community in a meaningful way, and become a part of the community. What we have seen with the participants that we have had over the past year, we have had 49 complete so far, and we have a few more coming up on the horizon; they are coming in everyday. But, we have seen overwhelming positive response from our participants. So I wanted to share with the Council today with some actual quotes from those participants that they fill out as part of their evaluation of the program once they complete it. They do a complete survey regarding the course and they are asked to rate different aspects of the courses on a 1-4 scale, 1 being poor and 4 being outstanding. Overwhelming what we are seeing with our reviews that come in is that our participants are rating the class as outstanding. I think that is particularly important, especially when you consider what is involved in the class. This is typically a Saturday class, and it is all-day, an 8-hour class. So when you have people participating in a program 8 hours on a Saturday, and they are saying this class is outstanding, I think that really shows something and think that really speaks to the benefit and the success of this program.

So the first quote, "I have learned a lot about making the right decisions and it was an awesome day." "I'm honored to get a second chance to clear my name. I have learned that we can change with positive behavior and admitting what we do wrong can set us free." "A wonderful crash course to help people with the tools to stay out of the system and receive a second chance." "I appreciate the second chance I was given and also the people who helped people like us who just need a little help or understanding to change our life." Those are four (4) quotes I wanted to share with you. Before I move on, there are negative reviews, but I can tell you that the negative reviews that we received is, "the room was too cold," "I heard too many cars going by outside," it is things like that, but overwhelming the participants involved in the program have expressed extreme gratitude to not only the instructors in the program, but also to the Office of the Prosecuting Attorney for allowing this second chance, because I think throughout this 8-hour course, where they are learning not only about personal responsibility, but also hawaiian values and how they can implement those in their daily lives, they are finding that this is something that is extremely helpful and gives them the impetus for change that maybe they were looking for. It definitely creates a situation where we are producing more productive, quality citizens, and instead of slapping everyone that comes through the system on the wrist, we are actually in there making positive life changes, and helping people to move on with their lives in a productive way.

Another success and achievement of our office over the past year, we conducted a series of Senior Fraud Presentations. We actually still have one more Senior Fraud Presentation to go scheduled in May. For the past several years we have seen, especially with the advent of technology assisted crimes, we have seen our crimes against the elderly skyrocket, not just on an islandwide level, but a nationwide level. Nationwide, the fraud against the elderly was a \$4 billion annual business; that is only the fraud that we know about. The numbers are probably somewhere closer in the \$20 billion range when you talk about the actual frauds that are going on out there, and these are operations that sometimes stretch out over a six month, one and two-year periods where you have organized organizations that are coming in and defrauding our citizens; sending them things through the mail saying they have won a \$50,000.00 lottery, or an all expense paid trip to Las Vegas, and all they have to do is pay the taxes on their winnings. They ask for \$200.00 to \$300.00 a time, and what we have seen because of a lack of education and knowledge out there in our community, we have had a lot of senior citizens that were victims of these types of crimes. I can tell you every single

Senior Fraud Presentation that we did across the island, we had at least one (1) or two (2) seniors come up to us after the presentation was given and pull us to the side and say, you know I did not want to say it in front of everyone, but I was a victim of this and yeah, I sent a check for \$300.00, or had a family member take advantage of me and they stole, we heard figures as high as \$18,000.00, \$50,000.00, \$70,000.00. A lot of these crimes unfortunately go unreported and often times they are perpetrated by family members, and so we elderly that are concerned with reporting family members when a crime takes place because they are worried about the consequences, he or she is a good boy or girl. They are not really a criminal, I do not want to report them. That is what we hear over and over again and so we talked to the seniors about the P.O.H.A.K.U. Program, about the alternatives we have, our diversion-type programs that we have available to deal with these types of cases, especially if they are small time cases where a family member is stealing a check or stealing small amounts of money from their grandparents who live in the home. So they are told about those things and they are also told how to identify and to spot fraud and to know when they are being taken advantage of. They are given the resources to call, so all the numbers for the Agency on Elderly Affairs, the Kaua'i Police Department, Better Business Bureau, all of these different agencies that work together on a regular basis to ensure the safety of our senior citizens. Again, they are often targeted because criminals see them as more trusting and vulnerable, they often live alone, so that they are very easy targets for home-invasions; that is something that we have seen a sharp increase in over the past two (2) years, with the advent of prescription drug crimes, just like we saw the nature and severity of crimes raised among our juvenile offenders. We also saw our crimes against the elderly skyrocket as well. It is this almost rabid want for prescription drugs that has driven this, and often times senior citizens have prescription drugs because they may have be ailing in their old age and they have health problems and may have had surgeries, where they have pain medication in the home. And so, part of our presentation dealt not only with fraud, but also with how to protect yourself against prescription drug crimes, too. So we gave them tips like making sure that you are prescription drugs are not left by a window in the home, so those out there looking in through windows and looking to break into homes do not see immediately that you have prescription drugs inside your home. Also, when you are carrying prescription drugs in your bags, a lot of our seniors carry their medication with them, because they have to take it throughout the day. We make sure that they know that if you are going to keep it in your bag, keep it in an inconspicuous place, zipped up, so somebody will not see that and will not see it as an opportunity to mug you or snatch your purse. We have seen a couple of those cases come through, where we have had our senior citizens targeted, because we find out later that the perpetrator saw an amber bottle sticking out of the elderly person's bag as they walked along through the coastal path or one of our towns. So again, this is the type of information again, we have had overwhelming positive feedback on this and we intend on continuing this educational series for our seniors to ensure that they can spot fraud what it happens, and also that they can do everything in their power to protect themselves not only from fraud, but also from these crimes that have the potential to be very dangerous.

So again, we give them real world examples, if you added up just in our conversations with fraud that was reported and sometimes it was fraud that happened years ago, but you are talking about hundreds of thousands of dollars just on Kaua'i alone that has been defrauded from our elderly. Again, a very serious set of cases that we intend on focusing on in the coming years.

Another one of our successes and achievements is our convicted sex offender project. We had a fairly low sex offender compliance rate on our island and what we found is that quite a number of offenders that were having contact in the system when we did our case research, especially when we were looking when it comes times for sentencing, we noticed some of these offenders had sex crimes in their criminal histories; they may be from the 1980's or 1990's, but they are still considered convicted sex offenders and are subject to the convicted sex offender registration laws. So in conjunction with the Kaua'i Police Department, our office and KPD put together a three-month operation, where we targeted convicted sex-offenders, KPD investigated, we advised them on the legalities and types of things they should be charged with once the investigations were complete. We

worked together on this and now Deputy Chief Michael Contrades was an essential part of this. Also, Officer A.J. Morita was one of the primary individuals over at KPD that worked on these cases. A lot of times I think when you talk about convicted sex-offender registration type crimes, a lot of people were under the impression of that is an easy just paper type of case. What we mean by that is they either signed the form and complied or they did not. What we saw and what we talked to KPD about is that these cases are extremely involved cases and highly complex that can often result in numerous, numerous felony accounts. The twenty-five (25) offenders that we targeted did result in quite a number of felony counts for each time that each individual sex-offender did not comply with the proper registration law. So again, part of what we did was not only identifying the type of evidence that the Kaua'i Police Department would need in order to sustain a conviction in order for the State to be able to prove beyond a reasonable doubt that these sex-offenders did, in fact, violate the law, but also how to go about charging them and the types of charging language that should be included in the initial charging document. Because of that, the very complex nature of these offenses, we had to work closely in order to make this project a success, and it was a success, it was an overwhelming success. So all of the offenders that we targeted in that I believe have been charged and are currently being prosecuted. We even had a few that have pled guilty initially, mainly because the evidence against them was so overwhelming they decided to enter a plea of guilty rather than taking a chance and trying to fight the charges at trial. In addition to the project, we also worked with KPD to revise our sex-offender tracking policies, and also to ensure that we do not run into the same problems with non-compliance with our sex-offenders. We are making sure that we know at all times that we know where these offenders are in our community and ensuring that they are complying with the laws that are in place and that are there to protect everybody and there to give the community notice of where these offenders are and what they are up to in our community.

Another one of our successes and achievements and this is actually the first official announcement of this today, there will be a press release on this next week as part of National Crime Victims Rights Week, but the Office of the Prosecuting Attorney established the first-ever Prosecutor/Police Department Collaborative Unit, that is a Cold Case Murder Unit. I will let Shay talk about this a little bit as far as the process that we went through in obtaining this and also in designing the unit.

Ms. Iseri-Carvalho: Yes, and so the last application we came forward with the Council saying that we wanted permission to apply for this Cold Case Unit. It really is one of the first of it's kind where it is Prosecutorial initiated. There have been many concerns that have been raised at our office, with the Police Department, as well as with the community, with a number of outstanding murder homicide investigations. I can tell you having worked closely with the Kaua'i Police Department, that none of these cases have really gone cold. They have never burned out. We have been constantly working on these cases, whether it be with consultation with attorneys, sending out dna evidence, re-interviewing witnesses, even some far back as twenty (20) years ago. We are looking at all of the evidence and the preservation of the evidence, or having other consultants that specialize in certain types of forensic evidence go through and look at the evidence that we have. We had applied and we were, the JAG funding that came from the Federal government, there was a pot of \$1.4 million. There were forty-five (45) applicants that applied for funding. We applied for two (2), one was for our drug band and one was for this newly created Cold Case Unit. Both of those grants were awarded to our office in the amounts that we had requested, which was quite phenomenal in light of highly competitive nature of the parties in securing funds because grant funds had really dwindled to almost a minimum.

Part of this law enforcement coalition group that decides on who should get the Federal funding, is made up of Federal, State, and County officials. So you have the U.S. Attorney's Office involved, you also have the Sheriffs, the Department of Health, the Department of Education. On the State level, all of the Police Departments, as well as the County Prosecuting Attorney's office; basically all of your organizations across the State, County, and Federal units applying for this competitive \$1.4 million. So we are quite fortunate that we were able to get 10% of that money just

on this grant and an additional, like I said on our drug grant. It is one of the first of its kind that is established. The grant period runs from April 1 for a whole year. It allows the Prosecutor's Office to work collaboratively with the agencies on a County level, State level, and Federal level, involving the FBI, involving a lot of the forensic testing labs across the Country, and as well as a lot of the consultants. There is a lot of, we just returned from a homicide training on the Mainland where there were a congregation of over 500 homicide detectives that specialize in these types of cases. We had the opportunity to discuss confidentially all of the cases that were pending. They had some high-profile cases that were presented at this conference, but also it gave us, small Kaua'i, an opportunity to have the ear of over 500 homicide detectives, especially we built close connections with the L.A. Police Department who had worked with our Attorney General's Office. We were able to connect with them in various discussions on our cases because they had of course, one of the L.A.P.D., when we asked him how many homicide, he specialized totally in homicides, when we asked him, he said he was there for thirty (30) years, how many cases does he get on any given week; he said well, I can tell you we get homicide cases 5-6 a day in L.A.. And so having that ability to provide information regarding the cases that we were working on and getting that advice was very instrumental in leading us to more follow-up investigations, which we are currently undergoing. But it does allow us the opportunity to obtain funding in this specialized area where Kaua'i unfortunately has had much...one of course is too much, but to have more than one is definitely an area that we must focus on, which is the primary focus of the Police Department, as well as the Prosecutor's Office in trying to solve these outstanding...again I believe it's a misnomer when we say "cold case," because these cases have been warm hot ever since they have started. The flame as it indicates has never burned-out on these and there are detectives that have not been able to sleep at night because they have worked on these cases for years, and years, and years, and fortunately, with the advent of highly technical and complex forensic opportunities that we have, we are positively optimistic in hoping that we may be able to get some finality, or justice, or closure to at least one or more of these cases. We are still in constant contact with the families of these homicide victims, and assuring them that we are continuing the investigations, and continuing the legal consultation with members across the Country, and with the sole result is in bringing justice for these families.

Mr. Rapozo: Jake, I do not want to rush you, but we have limited time with you folks. I just asked Ricky as far as call-backs and we are not at that the stage where we can do call-backs, so if you could highlight the slides, as you go forward, I see you have quite a bit more, but we do want to have time for questions as well. Thank you.

Mr. Delaplaine: Sure. So now I want to move into the challenges that we are facing. The first challenge that I want to talk about briefly is the lack of legal representation. I know a lot of other Departments have brought this to the Council's attention, but what we have seen especially over the past year, is with the County Attorney's Office is that we have gotten in a lot of situations where it appears that the County Attorney's Office has consistently worked against the interest of the OPA. Being their client, that creates a significant hardship to our Department. We have had multiple instances where we believe the County Attorney's Office has failed to acknowledge clear conflicts of interest. This has created a fairly heavy burden on the Administration of the OPA. We get to a point where we are having to handle these civil type matters where we really should be having legal representation and legal guidance. But because of the conflicts of interests or the attacks that we are under from the County Attorney's Office, we have to handle those without representation. So it puts a significant burden on our Office, and I can tell you it is probably more of a burden for some of the offices where they do not have the luxury that, yes they are in a professional position, but we are also attorneys as well. We do have some understanding of these things, but...I am going to continue now. So as a result of these attacks and the failure to acknowledge these conflicts of interest, we are asking, and I know other Departments have asked as well, but we are asking for special counsel for all matters that deal with the OPA during Fiscal year 2013. We wanted to include that as part of our budget presentation because I know it does raise budgetary concerns as far as the Council concern in allocation of money for the coming year.

As I have showed in the slides before, we had an increase in caseload about a 20% increase in both felony and misdemeanor cases. Again, we are continuing to see the continued raise in severity and frequency of crime. Time after time we have seen this every single year we have seen it increase, and along with the sheer number in increase, the cases are getting more serious. So whereas assaults used to be fights with fists at the beach park, now people are attacking eachother with machetes and guns; we had a recent shooting up in Kapahi where there were nearly 40 shots fired into a home. Those are not the types of cases we would normally see on a regular basis, but unfortunately we are seeing those types of cases come through every single month. So that is definitely a challenge facing our Office and figuring out how to deal effectively and efficiently with these serious types of cases that come through.

I do want to go over this Rule 48 and the Buono decision fairly comprehensively here, because it is extremely important and I think it is important for everyone to understand that this does pose a significant, significant challenge to the Office of the Prosecuting Attorney in the coming year. So Buono is the name of the case, State vs. Buono, and it was a case that went to the Intermediate Court of Appeals, where they ruled that the 180-day trial requirement, that is what we commonly refer to as "Rule 48," cannot be waived due to mere court congestion. So it is not simply enough that the (inaudible; 56:09; 2nd mp3)... It is not simply going to be enough to continue a case because there are other matters set for trial. What this case says is that the Judges in a particular Circuit, in every Circuit, must take extraordinary steps to ensure that cases can go to trial within the 180-day period, if that is what the defendant is demanding. Whereas before, let us say in a felony type case, we have two (2) courtroom on Kaua'i that handle felony cases; Courtrooms 4 and 6, Judge Randal Valencaino and Judge Kathleen Watanabe. So what that meant is that in any time, you can only have two (2) jury trials that would go. So you may have multiple cases that are set for jury trial, but ultimately in the end on any given week, only two (2) can go to jury trial. What the Buono decision says is that the Judges must take extraordinary steps to ensure that cases can go to trial within the 180 days. So what they are being commanded to do if there cases that are set for trial all in the same week, instead of continuing the cases that are lower priority, the Circuit Court Judges are mandated to appoint a District Court Judge, so that is lower court judge, to come up and preside over a jury trial. What that means for our Office is potentially we could have double the number of cases going to jury trial any given week. As you can expect, preparing for a jury trial is a very involved process and if we have at any given time four (4) of our attorneys that are in trial mode that are not only preparing for a trial that will go in the coming weeks, we also lose four (4) attorneys in trial themselves. If it is a highly complex trial we may lose more than one (1) attorney per case, because we may have a first and second chair sitting on the case, depending on the level and severity of the offense. So we are now in a situation, where we have to have more attorneys that are trial-ready, ready to go on these jury trials and this also does not mean that the District Court trials, the lower level court trials are not going, too. So all the court operations do not stop. The likely scenario would be if the trial calendar is full in both Courtroom 6 and Courtroom 4 and they need to bring up one (1) or two (2) District Court Judges to preside over those trials, then Per Diem Judges will be brought in to cover the District Court Cases. So that means that all of these courtrooms will be firing at the same time and all of a sudden, whereas we used to have only one (1) courtroom on Kaua'i, we now have the potential to have six (6) going at one time. So it is definitely something that is going to affect office operations. We have seen it, because the decision has not been out very long, we have seen it on a limited level so far, but throughout pre-trial conferences and throughout our discussions with the court, it is something that is on the horizon, especially this summer, when we have quite a number of cases. And also, when we begin trying some of our felony cases, our murder or sexual assault cases that have the potential to last 6-8 weeks; it definitely presents a challenge. Pursuant to that challenge we are asking for four (4) new Deputy positions so that we can stand ready for that challenge when it inevitably comes.

One of the other things that we talked about at last year's budget presentation was also part of our presentation that we gave on the P.O.H.A.K.U. Program. It is this elimination of the community service. I know that we discussed this at Council last year during budget and it was something that we predicted. It appeared that the Judiciary was going to be eliminating community service; as of last year it had already been eliminated on Maui. Sure enough this year, in January 2012, the Judiciary on Kaua'i eliminated the community service program. So now there are no court referrals being made to community service from our cases. It has definitely affected our ability to deal properly with cases and also affected the community. The community is no longer receiving the benefits that they were previously getting for the services provided by individuals that were sentenced to community service. So it has reduced our ability to negotiate appropriate plea offers, and we are seeing a lot more cases going to trial because we are simply left without a middle ground when offering plea negotiations in these cases. We are not going to simply let people off and not be held accountable because there is no community service. So we are in sort of a bind with this. We are looking at ways to reduce the impact of this, of course the P.O.H.A.K.U. Program is one of those. We are also working with the Judiciary on coming up with other ways to divert cases and to engage in community service. Because again, I think all of us can agree that community service from our offenders is definitely an important part of not only the community and having non-profit organizations receive free services, but also for the offenders themselves to grow, to learn from their mistakes, and to move on with their lives and be productive citizens.

The last, since we are running out of time, I want to briefly talk about another initiative that is coming up, and it is actually one of those top-down initiatives that has been mandated by the Hawai'i Supreme Court without consultation of employee unions or local County governments, but it affects us drastically. On June 18, 2012 the OPA Clerks will again be initiating cases in District Court through the JEFS and JIMS system. So what that is a web based system for cases initiation where clerks, previously this was done by Judiciary Clerk, but essentially Clerks go in to a computer system, and they enter a number of vital statistics on offenders and on cases that are being initiated in District Court. They choose from a series of drop-down menus and menus that require them to input very complicated data in order to initiate cases in the District Court. This is in contrast to what was previously done with our District Court complaints where we simply filed a paper complaint. A paper complaint was filed through a paper template in our Office and then our Clerks walked it over to the Courthouse. Now, they are doing significant amounts of data entry that was previously done by the Judiciary. So what we have seen is our Legal Clerks, who typically I believe are around the SR-12 and SR-14 level designations, are now going to have to be doing the type of work that SR-17s and SR-18s in the Judiciary were doing without prior notice to the employee unions or to the County. So what we are going to see as of June 18th, there is going to be a significant amount of responsibility shifted from those Judiciary Clerks to the OPA staff, so our Legal Clerks...and again, that is without any sort of consultation from any of the other groups. What you will see is a dramatically increased workload. So they have to do all the same work that they did before, plus the additional entry into the JEFS and JIMS systems. Not only is it more work, but it is more highly complex work. So what they are going to be doing is having to go into a system that is not their system, it is not our system, and it is not even interconnected with our own case management system; We have been told it cannot be interconnected with our case management system. But, they are going to be entering this data into a very complicated process; it is going to necessitate double entry. So everything that they were going to enter before into our case management system, they are having to do that for the Judiciary as well. Another way to look at it is the Judiciary is getting some free labor from the Prosecuting Attorney's Offices, and that is going to drastically effect our operations and may lead to us having to come to Council and ask for additional positions for our Legal Clerks, and also, working with the Civil Service Commission in reallocating certain designations for our Legal Clerks in our Office.

So that is going to be a significant hurdle. All of you, I am going to go ahead and end our PowerPoint at that point. Our specific requests are in the in the budget narrative as far as what we

are asking for this Fiscal Year. It is essentially asking for the positions needed to maintain current operations and efficiencies and also address the concerns and challenges that we mentioned today. So with that, I am going to go ahead and conclude our primary presentation of our budget and open it up for questions.

Mr. Rapozo: Thank you, Jake and Shaylene. The County Attorney is asking for a very short recess before we take any questions. So let us take a five-minute recess. Five-minute recess for, Al. Is Al here? Five-minute recess.

There being no objections, the budget hearing recessed at 10:50 a.m.

The budget hearing reconvened at 11:04 a.m., and proceeded as follows:

Mr. Rapozo: The budget session is called back to order. Can we get the lights back? After consultation with the County Attorney, both Al Castillo and Jennifer Winn, it was determined at this point any discussions regarding the P.O.H.A.K.U. Program will not be done on the floor at this point. We have an executive session scheduled for a week and a half. The County Attorney has advised myself that based on the representations in the presentation as far as representation by the Office of the Prosecuting Attorney, the County Attorney's Office will basically conflict out of representing the Office of the Prosecuting Attorney for the P.O.H.A.K.U Program, until counsel can be appointed, but we will not have discussion on the P.O.H.A.K.U. Program. Yes?

Ms. Yukimura: May I ask why the Prosecuting Attorney was allowed to present information on the P.O.H.A.K.U. Program?

Mr. Rapozo: You can ask the County Attorney, if you want to. But we are not going to discuss that on the floor, I just said what I was advised by the County Attorney.

Ms. Yukimura: I would like to ask questions of the County Attorney.

Mr. Rapozo: We can do that at a later time. I want to get through this budget.

Ms. Yukimura: This is about the budget, the P.O.H.A.K.U. Program is in the budget and I feel I should have the right to ask questions about it.

Mr. Rapozo: We are not going to do it under the advice of the County Attorney. That is not my rule...

Ms. Yukimura: So are we going to schedule subsequent budget hearings so that this is part of the discussion on the budget?

Mr. Rapozo: The next discussion regarding P.O.H.A.K.U. will be at the executive session in a week and a half.

Ms. Yukimura: And I am asking, if after the executive session...because I still would like to talk to the Attorney, please.

Mr. Rapozo: Mr. Castillo.

Ms. Yukimura: This is a budget hearing and I want to ask some questions about budget.

Mr. Rapozo: I am not going to have a legal debate here.

Ms. Yukimura: I am sorry, we cannot proceed if I cannot ask the Attorney some questions about today's proceeding.

Mr. Rapozo: I just called up Mr. Castillo, so you can ask your question, but I am not going to entertain a legal debate of why. It is his advice.

Ms. Yukimura: I would like to ask questions of my Attorney, please.

Mr. Rapozo: You have him right here. The rules are suspended.

There being no objections, the rules were suspended.

AL CASTILLO, JR., COUNTY ATTORNEY: Good morning, Councilmembers, Committee chair, and Mel Rapozo, Al Castillo, County Attorney. Go ahead.

Ms. Yukimura: So I do not understand the basis of your ruling.

Mr. Castillo: This is based on what transpired this morning regarding the comments made by the Office of the Prosecuting Attorney. In conjunction with that and specifically for the P.O.H.A.K.U. Program, which it does raise a conflict that I would say that it is prudent for the County Attorney's Office to declare a conflict. And on the legalities of that, I would be willing to go into executive session.

Ms. Yukimura: Look, the thing that I want to ask questions based on public information.

Mr. Castillo: I understand that.

Ms. Yukimura: About a thing that is proposed in the Prosecutor's budget. I do not see how my rights can be curtailed on that. Whoever is representing whoever, I still should, I do not know what legal basis I would not be able to ask questions based on public information.

Mr. Rapozo: Al, let me state the legal basis, because I am the Chair today and Mr. Furfaro will be back and you can raise that with the Chair. But as of this moment, Al, I take your advice and I agree with your advice and I know that some think I do not agree all the time but I agree with your advice today, that in fact a potential conflict has risen.

Mr. Castillo: And to be safe, if you would like specifics and I do not think we should be discussing it any further.

Mr. Rapozo: I agree. We have a scheduled executive session in a week and a half, if Councilmembers believe that it needs to be accelerated, when the Chair gets back from his doctor's appointment, he can do so at a Special Council Meeting sooner. But at this point, what my objective is to get through the budget, there are many issues through this budget; there are new positions, there are requests made that I would like to get through. I will schedule an additional hour after lunch from 1:30 p.m. to 2:30 p.m. to accommodate any questions, but the more time we spend on this debate, we are taking away from budget questions. You want to respond?

Mr. Castillo: Like you said earlier, we will have an executive session on this subject matter and this will be part of the discussion at that time.

Mr. Rapozo: Just let the record reflect, because I know the media is here, I did not request for that legal advice; that was advice that came to me from the County Attorney's Office.

Mr. Castillo: Because I am monitoring the discussion of what is going on, and we constantly monitor conflict of interest situations, I do not want to go any further because I do not want to be violating any of my clients' rights.

Mr. Rapozo: That is appreciated.

Ms. Yukimura: Who is your client in this instance?

Mr. Castillo: Well, I represent the entire County and there are conflict situations where I determined that it is a prudent thing for me to declare that we have in a particular...in this situation, a conflict that I cannot overcome.

Ms. Yukimura: Why would a conflict that you have stop the discussion about a public issue?

Mr. Rapozo: Al, listen, he advised me, I control whether or not we discuss it on the floor. I am saying that the County Attorney has asked me not to discuss P.O.H.A.K.U. today. I know what you are saying, but I am saying that is not going to happen.

Ms. Yukimura: Then I challenge the ruling of the Chair to not be able to ask questions of the attorney.

Mr. Rapozo: You can challenge the rule when I make the rule. Right now we have the County Attorney up here. Is there any more questions for the County Attorney, go ahead, Mr. Bynum.

Mr. Bynum: Good morning.

Mr. Castillo: Good morning.

Mr. Bynum: If we would have had the executive session when it was scheduled the previous two (2) weeks, would we be in a different situation?

Mr. Rapozo: That is speculative, I am going to be judge here, objection, that is speculative. Discuss the issue at hand today.

Mr. Bynum: Can we allow the County Attorney to answer?

Mr. Rapozo: He cannot answer that. I am curious, if you can answer that I will hire you when I go to Vegas.

Mr. Castillo: I did not understand the question. I am sorry.

Mr. Bynum: The executive session on these issues was scheduled two (2) weeks ago and it was scheduled this week. If we would have held those executive sessions, would we be in a different position now regarding this conflict?

Mr. Castillo: No.

Mr. Bynum: Okay, then my second question is, are we in a conflict situation now because of the Prosecutor's allegation on the public record.

Ms. Iseri-Carvalho: Objection. This is ridiculous. How dare that happen.
Mr. Rapozo: Recess.

There being no objections, the budget hearing recessed at 11:12 a.m.

The budget hearing reconvened at 11:20 a.m., and proceeded as follows:

Mr. Rapozo: This session is back in order. Any questions pertaining to Mr. Castillo?

Mr. Kualii: Aloha, Prosecutor.

Ms. Yukimura: I have a point of order before Mr. Kualii.

Mr. Rapozo: What is the point?

Ms. Yukimura: I received information yesterday that showed that moneys were transferred from Erin Wilson's position to the YWCA, and I think there is a potential conflict of interest on the part of Mr. Kualii, and until there is an opinion from the Board of Ethics, which is the designated board, I think there needs to be a recusal.

Mr. Rapozo: I hear you. Mr. Kualii?

Mr. Kualii: I did talk to the Attorney prior to sitting in on this session, and actually if you remember we dealt with this last year as well.

Mr. Rapozo: This is déjà vu.

Mr. Kualii: It did go before the Board of Ethics and they did receive the item at that time. I wrote a letter May 6th and the Board of Ethics had a hearing on June 17th and in that meeting by a 6-0 vote the item was received and put to rest. I rest assured this Council should know that in the budget decision-making process, if and when we consider any specific grant moneys that this County is approving from the County to the YWCA, even for programs that I am not involved with I am not the Executive Director of the YWCA and I do not manage the Board or programs, I do not set policy for any of the programs or effectuate decisions on where we go after grants or whatever.

Mr. Rapozo: Mr. Kualii, I understand that. You have a copy of the Board of Ethics letter?

Mr. Kualii: The Board of Ethics did not have a letter, they took action at their meeting, and I guess the clerk could print you out the report of what items they considered at that meeting, and that they received the item regarding a complaint prior. I do not know where the complaint came from. I think it was the newspaper.

Mr. Rapozo: It was the newspaper. I remember it as if it were yesterday. I remember ethics because I had the same issue, and I had to get an ethics ruling as well for my contract with the process service, and I was cleared by ethics. So your point is taken. Miss Yukimura.

Ms. Yukimura: May I say something?

Mr. Rapozo: Yes, you can.

Ms. Yukimura: I do not believe ethics had all the information. It is clear that the actions of the Prosecutor are discretionary, and that they affect the YWCA, and the operational monies, and that there could be very likely a hesitation to offend or go against anything that the Prosecutor asks for because the budget of the YWCA could be affected.

Mr. Rapozo: I understand.

Ms. Yukimura: So I think there needs to be a clear opinion on this issue before Councilmember Kualii takes part.

Mr. Rapozo: I understand. I got your point.

Ms. Yukimura: Thank you.

Mr. Rapozo: I am ruling based on the response from Mr. Kualii and my memory that he can remain, he is going to ask some questions, and I am assuming it will not have anything to do with the YMCA. If Mr. Kualii chooses to get another opinion from ethics, that is his prerogative, and he asked the County Attorney prior to coming in today, and that is why he was late, and the County Attorney advised him to stay. So I am going to allow him to stay and if you want to challenge that rule, go ahead. But if not we are moving on. from the prosecutor's budget?

Ms. Yukimura: Okay. I just want to say it that it is not about the YMCA, it is about what decisions are made on other issues.

Mr. Rapozo: You want him recused from the entire process?

Ms. Yukimura: That is right, from the Prosecutor's budget.

Mr. Rapozo: I understand. I would suggest that if you want to get a ruling, you can submit one through ethics. I am not going to kick him outtoday.

Ms. Yukimura: Okay. Thank you.

Mr. Rapozo: Proceed.

Mr. Kualii: Thank you. Mr. Chair, my questions, like they have been throughout this budget process has to do with Personnel's Quarterly Report to us on vacant positions.

Ms. Iseri-Carvalho: Okay.

Mr. Kualii: And now this report is delayed because it only goes up to December 31 of 2011. And we are expecting another quarterly update that takes us to the end of March, 2012 anyday now, because they were taking a 30-day period from the end, so at the end of April. I noticed that the Department of Personnel Services was showing four (4) positions as vacant. The first one being Position E-94 Deputy Prosecuting Attorney, effective vacancy, 12/10/11 and their status of recruitment was exempt, Department handles internally. Could you tell me what has happened since this vacancy occurred on 12/10/11?

Ms. Iseri-Carvalho: We had posted and are currently going through reviewing the applications for that position.

Mr. Kualii: So you anticipate hiring within the next six (6) months, three (3) months?

Ms. Iseri-Carvalho: Yes.

Mr. Kualii: Okay, that is one (1) position, and the other position that they have is Position 9110, which is Special Investigator, SR-24. Okay, now I see in the Personnel Report that they have a dollar amount for the monthly pay of \$4,200.00, but in your budget for Position 9110 I believe it is showing as a dollar funded position. They did show this as a vacancy as of January 1, 2011 and their status was not recruiting, no request received, so that is because it is a dollar-funded position?

Ms. Iseri-Carvalho: Yes. When we were able to get funding for...we have hired, when did we hire?

Mr. Delaplaine: March 1st.

Ms. Iseri-Carvalho: March 1st. So that position is filled?

Mr. Kualii: It is filled as of March 1st?

Ms. Iseri-Carvalho: Yes.

Mr. Kualii: Position 9110 Special Investigator, filled. So Human Resources just had it in their vacancy report with a value for the salary based on what the position is priced at even though it was a dollar-funded position?

Ms. Iseri-Carvalho: I am sorry, I do not know about that report.

Mr. Kualii: But it is a County-funded position and not a contract or grant-funded position?

Ms. Iseri-Carvalho: Yes.

Mr. Kualii: And filled as of March 1st?

Ms. Iseri-Carvalho: Yes. But that position I think you mentioned \$40,000.00?

Mr. Kualii: \$4,276.00 a month, \$51,312.00, and I looked at the other position right above it 2802, and it is the same.

Ms. Iseri-Carvalho: It is the same, that is correct.

Mr. Kualii: And then another two (2) positions which does not show on your budget, but shows with Department of Personnel Services, one is 9108 Victim-Witness Counselor II; they had it vacant effective 11/24/11, so just last winter, and then they also had not recruiting, no requests received. So what is the status?

Ms. Iseri-Carvalho: 9108?

Mr. Kualii: And then I saw you had another one I saw is 9109, wait that is a different position, Receptionist.

Ms. Iseri-Carvalho: Mr. Kualii, I believe that was a fully grant-funded position.

Mr. Kualii: Okay, it could be, but they do not show that.

Ms. Iseri-Carvalho: I am not sure what the Personnel Department's report says, because I do not have that report before me and that is why it is not showing on our County budget, because that would have been a grant-funded position.

Mr. Kualii: The other thing I would say is that some of the other Departments, not all, but some have shown not only the County-funded positions, but grant-funded positions. Some of them showed it as the position title and then in parenthesis contract and showed dollar, and that is the odd thing because to me dollar-funded is County is funding a dollar and the position is actually vacant. But in some cases you are saying there is a grant, so that it is filled with a live body and it is just not being paid for by County funds?

Ms. Iseri-Carvalho: No. There are, I can tell you on our budget list, if you look at the four (4) dollar-funded positions, the Special Investigator 9110, 9109, the 9104...

Mr. Kualii: 9104 and 9085.

Ms. Iseri-Carvalho: Yes, 9104, those all have bodies in it.

Mr. Kualii: Yes, and I did notice that you addressed that in your narrative.

Ms. Iseri-Carvalho: Yes.

Mr. Kualii: And that is part of your request for funding to fill the positions?

Ms. Iseri-Carvalho: Correct.

Mr. Kualii: Because in the past...

Ms. Iseri-Carvalho: What happened is when the Mayor released their funded positions, ours were not included in their March submittal. We were told that the inclination was that all the dollar-funded positions were going to be funded.

Mr. Kualii: All of your dollar-funded positions?

Ms. Iseri-Carvalho: Right. We did receive a request from the Budget Director, because this was neglected, for whatever reason it was not put on their list. So they had requested of us to provide this, so that they would provide it in the May supplemental budget.

Mr. Kualii: So, in fact, between your Department and the Mayor, when the next modified budget comes, those could have dollar amounts in them?

Ms. Iseri-Carvalho: Yes.

Mr. Kualii: Or should have according to what you are saying?

Ms. Iseri-Carvalho: Yes.

Mr. Kualii: Then the last position question I have from the Department of Personnel Services Vacancy Report was E-89. E-89 is a Deputy Prosecuting Attorney and under "salary range," it says "Ordinance," and then it says, "effective August 31, 2011" and then it said as far as recruitment status "to be filled 1/3/12." Did that happen, or what is the status of that, or is it about to happen?

Ms. Iseri-Carvalho: E-89, that already happened. He started January 1.

Mr. Kualii: So January 1, E-89 was filled?

Ms. Iseri-Carvalho: Yes.

Mr. Kualii: Thank you very much.

Mr. Rapozo: Councilmember Nakamura.

Ms. Nakamura: Good Morning, Shay, and Jake.

Ms. Iseri-Carvalho: Good Morning.

Ms. Nakamura: Thanks for your presentation this morning. I have some questions, one of the concerns that we all have is the recent decision that is going to effect how many trials that can happen at the same time. My question to you is, do you know whether in the State budget, additional funds have been given to the Judiciary to accommodate this additional workload that this recent ruling will require?

Ms. Iseri-Carvalho: I do not know the answer to that question. I have had multiple discussions with the Administrative Judge who has informed me that pursuant to that decision that is going to happen, what he has told me is that they would have to bring out a District Court Judge, and then have the Per Diems do the District Court cases; he has not said any thing about their funding, and I have not checked with the Legislature whether there is any funding for that.

Ms. Nakamura: Without the funding is that going to be possible without the addition of staffing to accommodate this major, major restructuring?

Ms. Iseri-Carvalho: I would state that, yes, you would have to have funding for those...you would already having funding for the District Court Judges, right. But the funding to bring in the Per Diems is one thing, or again, the question would be whether they would be prioritizing and taking the felony cases because the 180 days actually runs for any type of case. And so, if they brought up the District Court Judge then Rule 48 would (inaudible) the misdemeanor cases as opposed to the felony cases.

Ms. Nakamura: And just backlog all around.

Ms. Iseri-Carvalho: All around, yes. It was a very difficult decision for the Courts, because again we have had more than several discussions at pre-trial conferences as well as chamber conferences where we have had these discussions with the judge; he is also at a loss as to how to implement this decision. It is quite unfortunate because it does not appear that that decision is going to be appealed, that that will become the law here.

Ms. Nakamura: Thank you for that explanation. I also had a question about your budget because what you are showing in your report and what is in the Mayor's budget does not, is not accurate.

Ms. Iseri-Carvalho: Yes.

Ms. Nakamura: So basically, with your budget that you are proposing, at \$4.1 million, and the Mayor's budget at \$3.8 million, there is a difference of \$332,000.00. So I am not sure if this is a Wally question or your question, but how does this resolve? As it is presented here we do not have a balanced budget.

Ms. Iseri-Carvalho: The narrative that we present is the wish list.

Ms. Nakamura: Okay.

Ms. Iseri-Carvalho: And the one that the Mayor has is all that currently they have put in for funding.

Ms. Nakamura: Okay.

Ms. Iseri-Carvalho: But in the May submittal the Mayor has asked and the Budget Director and Finance Director, asked for additional justification for certain types of items. Again just to not have the Council be surprised when the May comes in, is because potentially some of these may get funded with our discussions from this period until the May 15 period.

Mr. Rapozo: We have to take a recess, we lost our captioner.

There being no objections, the budget hearing recessed at 11:36 a.m.

The budget hearing reconvened at 2:41 p.m., and proceeded as follows:

Chair Furfaro: We are back from recess. First of all let me apologize to my colleagues. I had a standing visit with Dr. Raul and Dr. Rory this morning so I am back from my absence. I understand there is a PowerPoint presentation is complete?

Mr. Rapozo: Yes, Mr. Chair. We had a technical problem with the captioner, I believe at 10:35 a.m. or 10:40 a.m., when we did break that took us into the caption break and we had Elderly Affairs at 11:00 a.m., so I rescheduled Prosecutor for 1:30 p.m., but when we did leave Councilmember Nakamura was in the middle of a question when the captioning system failed, so I would ask that we return to Councilmember Nakamura so that she could finish her question.

Chair Furfaro: Okay. Very good.

Mr. Kualii: Mr. Chair, before we proceed, may I have a moment of personal privilege?

Chair Furfaro: Certainly.

Mr. Kualii: You were not here this morning but as we are continuing on with the budget session for the Prosecuting Attorney, I just wanted to say that it was offensive, troubling, and not *pono* for the Vice Chair to publicly attack my integrity by challenging my ability to decide how I can do my obligation and serve on this Council and serve the people in this budget

session. Her attempts to have me removed from the entire informational budget presentation of the Prosecuting Attorney, I feel is unwarranted and disrespecting my ability to follow her earlier offline advice to get advice from the County Attorney. If there is a matter she is concerned about further, she like any other citizen can file a complaint with the Board of Ethics. Thank you.

Chair Furfaro: Okay, so I am guessing along the lines here a little bit, sir. So let me be clear. Is this in relationship to your participation in the budget as your role with the YWCA?

Mr. Kualii: That is correct.

Chair Furfaro: And I was of the impression that was resolved last year.

Mr. Kualii: It was, Chair.

Chair Furfaro: Okay. So noted. Vice Chair Yukimura.

Ms. Yukimura: Yes chair, I am sorry that Councilmember Kualii thinks it was an attack. I was given information last night and I have copies if anyone wants to see, showing that 1 position in the Victim Witness Program was eliminated essentially when the salary, her salary through a VOCA grant was removed and given to the YWCA. And so, I felt there was a potential conflict of interest, and therefore I asked Councilmember Kualii on the side to at least request an opinion from the Ethics Board which is the designated decision maker on conflict of interest.

I think it is in the Charter that they make the decisions because it is hard for us, if we have a conflict of interest, to make a decision about ourselves, so I just made a request. After consulting with the County Attorney, which I thought was a good idea, decided not to, I thought it was important to raise an issue, because if there is in fact a conflict of interest, decisions made by people as part of the conflict of interest, could jeopardize the decision. So my request was to, so this was new information. I do not know if the Board of Ethics had this information when they made their decision. It is not even clear now whether they made a decision. I think they received his disclosure of a potential conflict of interest, but he did not ask for an opinion, which would have required an investigation of the facts, and then a written decision by the Board of Ethics, such as Councilmember Bynum recently requested and received. And therefore, I just felt it was good leadership, if there is a potential conflict of interest, to request a decision and then abide by whatever decision comes forward from the board.

Chair Furfaro: Okay. I just want to say at this point all of us have some exposure when it comes to our participation and our work loads and so forth, and I would agree that it is good to get an opinion through the Ethics Board. I think the last one I queried had to do the rule of necessity which dealt with all of us being property owners, and is there a conflict; we are voting on property taxes and they referred this question to the rules of necessity. I had issues dealing with myself as Executive Director of Leadership Kaua'i, and I sat on the Salvation Army in getting grants from the County and so forth. And there is somewhat of a duty, but I think it is something that we could query with the County Attorney, but I want to make sure for the record I have already been of the impression that a ruling with Mr. Kualii's role with the YWCA was made then with the County Attorney and with the then County Clerk; that is my understanding. So if I could ask the 2 of you to step away for a moment, I am going to ask Mr. Castillo to come up. Mr. Castillo, may I ask you to come up? I guess we would probably want to get ourselves to have an understanding of our evaluation here before we actually get to any future vote, so could you first of all refresh my memory that we had already hurdled this during last year's budget?

AL CASTILLO, JR., COUNTY ATTORNEY: For the record, Al Castillo, County Attorney. The new, I am, I do not know what was presented to the...what if anything was presented to the Ethics Board the last time. I do know, I do have a set of facts that I could operate from at this point in time in speaking to various Councilmembers; however, Councilmember Yukimura is correct that the body that would be appropriate, if there are any questions of the impropriety or propriety of whether or not there is a conflict is the Board of Ethics. 2004b is specific and I...

Chair Furfaro: I am sorry, what is that number for me? I am sorry.

Mr. Castillo: The Charter, 2004b, as in beta is specific, and...

Chair Furfaro: So at this point could I ask if you could revisit your previous notes and could I ask as you are the counsel for this body that you could revisit this with Mr. Kualifi.

Mr. Castillo: I have revisited it with him...

Chair Furfaro: Sorry I am so far behind.

Mr. Castillo: No. You were not here this morning and I gave him legal advice.

Chair Furfaro: Okay. Okay. Mr. Bynum.

Mr. Bynum: Al, I think it has been a very tense morning, and I did go to the Board of Ethics when my ethics or my conflict was questioned, and I asked for an advisory opinion and received it. This morning the Prosecutor made allegations about your Office. Last week and in the media the Prosecutor made multiple allegations about a whole laundry list of individuals. I think that this a toxic environment right now, and I strongly suggest to my colleagues and body that we defer this budget hearing until some time in the future when people can calm down, because I know I am upset, and we can sort through some of this behavior. Talk about *pono*, if you have questions about somebody's ethics we have a mechanism to do that. It is not in letters sent to the Council with no prior knowledge, it is not in PowerPoint Presentations...

Chair Furfaro: Do you have a question for the attorney Mr. Bynum?

Mr. Bynum: Yes. Do you not think it would be prudent...

Chair Furfaro: We are in recess.

There being no objections, the budget hearing was in recess at 2:51 p.m.

The budget hearing reconvened at 3:03 p.m., and proceeded as follows:

Chair Furfaro: We are back. I have a couple of questions I want to pose to get caught up on some of the current items and then I will give the floor back to Mr. Bynum.

To the County Attorney, again, I am sorry I was not here to be as current as I should be today when we started this. I want to make it certain, if his question about ethics and participation has come up, do we have a ruling other than the one I referred to last year from the Ethics Commission?

Mr. Castillo: I am not aware of any ruling.

Council Chair: You are not aware of any? Okay. Have you had an opportunity as counsel for the Council as a body, have you had time to spend with Councilmember Kualii in any advisory capacity?

Mr. Castillo: I have.

Chair Furfaro: Is he aware that if he continues at this point, that those risks are his risks?

Mr. Castillo: I have advised Councilmember Kualii and whatever decision he makes here on after is his decision. I do not want to characterize what his decision is.

Chair Furfaro: Okay. And then Councilmember Kualii, can I confirm that you had a discussion with the County Attorney?

Mr. Kualii: Yes, Mr. Chair.

Chair Furfaro: Okay. Thank you. Before I continue going on at this point, I want to make sure all of you know that we have half an hour for this session. We should focus on questions that deal with budget and on that note, Mr. Bynum, you have the floor.

Mr. Bynum: No thank you.

Chair Furfaro: Okay. Vice Chair Yukimura.

Ms. Yukimura: Yes, I want to finish the issue.

Chair Furfaro: Excuse me, did we go through this issue this morning?

Ms. Yukimura: No.

Chair Furfaro: Okay. She is saying no, can you confirm that? Did we go through this?

Mr. Castillo: I was not here.

Chair Furfaro: You were not here, thank you for that question. Pose the question to the County Attorney then.

Ms. Yukimura: So is it your rule or is it the Board of Ethics rule under the Charter to render advisory opinions as to whether there is a conflict of interest?

Mr. Castillo: It would be the Ethics Board to make that decision.

Ms. Yukimura: And I see in Section 20.5 of the Board of Ethics that they shall be binding on the Board...

Mr. Rapozo: Twenty-eight minutes now.

Ms. Yukimura: I am sorry, this is an important issue. Okay. And is it not true that if there is a conflict of interest and decisions are made by the Board it could jeopardize the decisions by the Board?

Mr. Castillo: That is a wide question. Anything could jeopardize, however this body is made up of 7, so...

Ms. Yukimura: I think there is something in the Charter, but that is okay.
Mr. Castillo: It is a broad question, but again this body is 7.

Ms. Yukimura: Alright. Thank you very much.

Mr. Castillo: You are welcome.

Chair Furfaro: Okay. Al, is there anything else you would like to advise us at this point?

Mr. Castillo: I have nothing right now.

Chair Furfaro: Okay. I just want to affirm that today we are not making any decisions. We are hearing testimony, Q & A, regarding budget.

Mr. Castillo: Thank you.

Chair Furfaro: Thank you. To the Prosecutor's Office, come up, Mr. Bynum, you will still have the floor.

Mr. Bynum: Councilmember Nakamura had the floor.

Chair Furfaro: Councilmember Nakamura, I am sorry. Thank you for the correction. Councilmember, you have the floor.

Ms. Nakamura: One of the requests that you are making in your budget proposal is to have additional space to work with victims and witnesses. This is the \$70,000.00 for a Victim Witness Diversion Center.

Ms. Iseri-Carvalho: I am sorry, that should have been deleted. That is something that we were in discussions with the Mayor's Office.

Ms. Nakamura: That is why you have the new version here?

Ms. Iseri-Carvalho: Yes. That should have been deleted.

Ms. Nakamura: Okay. Thank you very much. Are there any, because I reviewed the version that we received February 16, and then I noticed you submitted something...

Ms. Iseri-Carvalho: There is an April 20.

Ms. Nakamura: April 20. Are there any other changes that we should be aware of because it is hard to re-read the whole thing?

Ms. Iseri-Carvalho: No. The only change was that we were discussing the dollar funded positions and that was brought up in a prior Council, and so we were asked from the Mayor's Office to provide justification for those dollar funded positions. That is the only ones that are in there. That is the only change.

Ms. Nakamura: And you deleted the whole discussion about the space?

Ms. Iseri-Carvalho: Yes. We are currently work with the Kaua'i Police Department, because this initially contemplated working outside of the County's Base. However, there maybe space available within the County and so we are discussing that where we could get grant funding for equipment and the space being provided by the County.

Ms. Nakamura: That is great. That was going to be my question whether you were discussing it with the Building Department.

Ms. Iseri-Carvalho: Yes.

Ms. Nakamura: Okay. Thank you.

Ms. Iseri-Carvalho: And also discussing it with KPD because we wanted the center to be as close as possible for both agencies to utilize.

Ms. Nakamura: Okay. Thank you.

Chair Furfaro: Okay. Mr. Rapozo.

Mr. Rapozo: Thank you. A couple of questions on the presentation today. Number 1, which was pretty revealing, was the amount of cases that were open in relation to the prior years, and is there any reason aside from the basic increase in crime, or is it, I know in your discussion you talked about the relationship with Kaua'i Police Department, is that more cases being forwarded to your Office from Kaua'i Police Department?

Ms. Iseri-Carvalho: In any given day a detective probably within his workflow has 200 to 300 cases at one time. The coordinated efforts of having the one-on-one relationship with the Police Department has lead to a lot more closure of cases. So if for example we have a link with a burglary but there are 5 other ones that we cannot link, then we will try to concentrate on that one person. So even though you are talking about a lot more cases, a lot of these involve the same defendants that have done multiple types of crimes. And so when yo look at each individual case, you are going to see a lot of those because of the collaboration in looking back at all the cases that they have pending on their workflow, we have been able to close a lot more cases with the Police Department.

Mr. Rapozo: Okay. And the other question, and I will combine the 2 projects that you talked about, which I was happy to hear about the Cold Case Unit and the Convicted Sex Offender Project. Both were relatively new, and we saw the statistics on the convicted sex offender project, but I am more interested in the continuance of both of these projects, the Convicted Sex Offender Project as well as the Cold Case Unit Project. I think both are very important to the safety to the people of this island. Is your funding sufficient to move forward and to continue these as active programs versus the one shot deal and go out and do a sweep? Are you and the Police Department, I was not aware of this when the Police Department came up, but are you equipped at this point with the Police Department to continue these programs going forward?

Ms. Iseri-Carvalho: What we have done is we have been working on rewriting all their policies and procedures with respect to registration of convicted offenders, because that had been not attended to probably in the last 10 years. This was a project that was initiated by the Deputy Chief, Mike Contrades, who came to our Office asking for assistance. The reason was because we had learned that we have approximately 100 sex offenders on the island of Kaua'i. A third of that was not registered; we had lost their addresses and phone numbers, they had not come in to take the annual photograph, they had not been registering new cars. And so the information that was contained on the Sex Offender Registry database was quite old because these people, they had lost

contact with. So this project, what it entailed, was going through the whole list and getting all of them to do the investigation to find out all their prior addresses. A lot of these people were also homeless and more of a problem because when you lose contact, especially these people, especially sexual predators, they actually prey on the ones that are most vulnerable, which would be the children at the parks. That is where a lot of these sex offenders that we found, when we went through to do the investigation that were listed homeless were found at these various parks. We picked up all 25 that were not registered, and we have them incarcerated. The bails were extremely high. We had 2 people plead guilty and go to jail for 5 years for failing to register already, and we have 23 that are left. Once the Prosecution occurs on these cases the role transfers back to the Police Department to continue doing the registration every year. We have compiled all of the information that they need to go forward, and so the expense would actually be on the Police Department and that is why I brought up I was concerned about the Police Department when they were taking away the Records Clerk because it is the Records Division that actually do the registration of all the convicted sex offenders. Which means every year all hundred of them need to come in every year to update their photo and living arrangement and housing and car, work, etcetera. So that money would be something that the Police Department would desire in order to keep the system updated because currently it was not up until we ended up charging these sex offenders with registration violations.

Mr. Rapozo: Okay, and from watching the news I understand it is a statewide problem, in fact, that many of these sexual offenders were not registering. A lot of them are moving here or moving away and not registering in their respective jurisdictions. And you answered the next question which was going to be who controls the program. You said after this initial sweep it will be the Kaua'i Police Department.

Ms. Iseri-Carvalho: Yes. And you mentioned the creation of the Cold Case Unit which is the one time one year, currently, that we received the grant for. Whether that is self sustaining...currently right now we only have a one year grant, but it gives us a start and then probably we believe whether it be our Department or the Police Department that comes in for funding of that, it has always been a priority for both agencies to establish and continue to sustain a Cold Case Unit.

Mr. Rapozo: Okay. And all I ask is when you meet with the Department again on the cold case issue that some really good statistics or data be retained so next year should we lose the funding we can pick it up. That is one of the units we need to maintain on Kaua'i because we do have quite a bit of unsolved murders here and that is one way of at least trying to get to some resolution, so thank you very much.

Ms. Iseri-Carvalho: Just following up with that, I wanted to say that depending whether the case is solved or not will depend on the amount of information we are able to divulge because these cases are currently in investigatory stage and so they have not been out in the public at all.

Mr. Rapozo: Thank you, Mr. Chair.

Chair Furfaro: Vice Chair Yukimura.

Ms. Yukimura: Thank you. I am looking at the staffing and the budget proposed to the Mayor, and of the positions which one is vacant? Presently?

Ms. Iseri-Carvalho: Currently E-94 which Councilmember Kualii had brought up. We had ads in the paper for that position.

Chair Furfaro: Excuse me, Shay. Did you say E-94?

Ms. Iseri-Carvalho: Yes. That is the position number.

Chair Furfaro: Okay.
Ms. Yukimura: Anything else?

Ms. Iseri-Carvalho: Our Administrative Officer which is 2801.

Ms. Yukimura: And those are the only vacancies you have right now?

Ms. Iseri-Carvalho: We have one other vacancy which was the one just vacated by Tracy Murakami which is E-64. That we will be sending out ads, we have not got to the posting of that position.

Ms. Yukimura: Okay. Now, you have here Executive Protocol Officer. What is that position and is it filled?

Ms. Iseri-Carvalho: That position is, that was the Grant Coordinator Position.

Ms. Yukimura: Why is it called an Executive...

Ms. Iseri-Carvalho: It is not going to be called an Executive Protocol Officer. That initially came in because it was a position similar to the Mayor's position, but it has been reevaluated by Personnel and I believe it is like Community Relations Officer or something, but that is Jamie's, or the Grant Coordinator's position. It is just a change in title and job duties, but that position has been for the last several years a Grant Coordinator position.

Ms. Yukimura: Okay. And the Victim Witness Counselors, are these 2 positions paid for by the County?

Ms. Iseri-Carvalho: These 2 positions are paid by the County, yes.

Ms. Yukimura: And their field and they are civil service positions?

Ms. Iseri-Carvalho: Yes.

Ms. Yukimura: And you have other positions for Victim Witness that are paid for by grants?

Ms. Iseri-Carvalho: One.

Ms. Yukimura: And so that means Erin Wilson's position is no longer in existence?

Ms. Iseri-Carvalho: Yes.
Ms. Yukimura: Earlier this year you said it was but now you eliminated it.

Ms. Iseri-Carvalho: I guess the position number still exists. It depends how you want to say it, but there is no funding for that position.

Ms. Yukimura: Yes, I know. It went to the YWCA. And you have asked also for a legal counsel, and have you given us a figure for that, an amount?

Ms. Iseri-Carvalho: Legal counsel would be the same as the deputies which is \$101,066.00.

Ms. Yukimura: Okay. Can you also send to us, because these figures for the Deputy Prosecutors do not represent their actual pay do they? They actually get paid...

Ms. Iseri-Carvalho: Some of them do.

Ms. Yukimura: So can you send us their actual pay?

Ms. Iseri-Carvalho: Sure.

Ms. Yukimura: In fact, for all of your staff?

Ms. Iseri-Carvalho: Yes.

Ms. Yukimura: Thank you. And lastly the Law Office Assistants, they do not have an SR number so are these contract or appointed?

Ms. Iseri-Carvalho: They are exempt.

Ms. Yukimura: They are exempt. But they do get benefits, right?

Ms. Iseri-Carvalho: Correct.

Ms. Yukimura: Okay. But they do not have to go through the civil service testing?

Ms. Iseri-Carvalho: No. They have a job description and the Personnel determines whether or not these parties who apply are qualified for the position, and then we get the okay. Personnel decides if they have the qualifications for Law Office Assistant. There is a job description for the Law Office Assistant so Personnel determines whether or not that the parties that apply have the appropriate qualifications for those positions. I do not have the final say in whether or not somebody just graduated from high school came forward because they need to be qualified for the position, and qualified by Personnel.

Ms. Yukimura: Not necessarily if you have an empty reallocated exempt position, then you can just move someone into that position without testing and qualification.

Ms. Iseri-Carvalho: You cannot put a custodian as a Law Office Assistant.

Ms. Yukimura: But can you put a receptionist which is equivalent...

Ms. Iseri-Carvalho: Not if they do not have the qualifications.

Ms. Yukimura: Who determines that?

Ms. Iseri-Carvalho: Personnel determines that if they are qualified or not based on the resume that they provide.

Ms. Yukimura: I do not think so.

Ms. Iseri-Carvalho: I do. That is what we do. We submit the resumes to the Personnel Department. They determine if they are appropriate.

Ms. Yukimura: So in the case of...

Ms. Iseri-Carvalho: So you would not have a person who was a park custodian that i would be able to hire as a Law Office Assistant.

Ms. Yukimura: But you had a receptionist who was of the level of Clerk I, going into a Law Office Assistant which is legel of Legal Clerk III.

Ms. Iseri-Carvalho: She has not come into that position yet, but she actually came from a doctor's office, I mean she came from a doctor's office so she has a lot more skills and I do not believe you have her resume to determine if she is qualified or not to be a Law Office Assistant.

Ms. Yukimura: I do not think we are talking about the same person, but the main issue was who makes a decision moving a civil service position to an exempt position, and I do not think it is, if it is not subject to civil service testing I do not think it is the Office of Personnel.

Ms. Iseri-Carvalho: You would have to discuss whatever issue you have regarding that with the Office of Personnel. It is like here. You hire your people. It is the same way.

Ms. Yukimura: Thank you. I have a few more questions but I will let others.

Chair Furfaro: Before I recognize Mr. Bynum, should I anticipate for the staff here you are going to send a staffing criteria question to Personnel?

Ms. Yukimura: Yes. Thank you.

Chair Furfaro: So staff please make that note. Mr. Bynum, you have the floor?

Mr. Bynum: So there are currently 3 Victim Witness Counselors on your staff?

Ms. Iseri-Carvalho: Yes.

Mr. Bynum: Is it still the status that 2 of them are out of some sort of leave?

Ms. Iseri-Carvalho: Yes.

Mr. Bynum: And initially when you first became Prosecutor...

Ms. Iseri-Carvalho: One is anticipated to return next week.

Mr. Bynum: And when you became Prosecutor there were 5 Victim Witness Counselors, correct?

Ms. Iseri-Carvalho: Correct.

Mr. Bynum: And so, in past testimony you have said that you have changed the way Victim Witness works and the vertical prosecution, so basically they are assisting cases that are actively involved in prosecution. Is that correct?

Ms. Iseri-Carvalho: Yes.

Mr. Bynum: And so, in the past, the Victim Witness Program had an Outreach Program where they contacted witnesses or victims and let them know about the eligibility of services. You are not doing that?

Ms. Iseri-Carvalho: They can if they want to. The YWCA does a lot of that and outreach of services.

Mr. Bynum: Does your Victim Witness staff, there was an active program...

Ms. Iseri-Carvalho: I do not know of an active program about outreach.

Mr. Bynum: Okay. So you are familiar with the basic Bill of Rights with that? Yes?

Ms. Iseri-Carvalho: Of course.

Mr. Bynum: Of course. And 1 of those victim's rights is to be informed from Police, or Victim Witness Counselor, or other criminal justice personnel, a financial system, and other social services available as a result of being a witness or a victim. I am concerned, and I have been for 3 years that that outreach program, that there are a whole bunch of victims on Kaua'i that used to be informed as is their right of services and victims of crime compensation available to them that are no longer being informed.

Ms. Iseri-Carvalho: That is not true.

Mr. Bynum: I believe that is true.

Ms. Iseri-Carvalho: You do not work in my office.

Mr. Bynum: So at a time you have increase in crime, right, I called the victims of Crime Compensation Commission in 2009, there were 56 active cases on Kaua'i, and in 2010 there were 35, and 2011 there were 18. We are down by 200 cases.

Ms. Iseri-Carvalho: Active cases of crime victim compensation? I can tell you we have the highest and the best statistics from the Crime Victim Compensation. I work with Pamela Ferguson.

Mr. Bynum: That is where I got these statistics from.

Ms. Iseri-Carvalho: So she will provide you with information to say I am an excellent Prosecutor and our Office does way more than any other office in collection and restitutions. In fact she has applauded and commended me at many meetings for that.

Mr. Bynum: Shaylene, is it true that your Office no longer does outreach...

Ms. Iseri-Carvalho: Our Office does outreach. It does not necessarily have to come from a Victim Witness Counselor.

Mr. Bynum: So there was an active program...

Ms. Iseri-Carvalho: You are assuming that there was an active program. There is a different Prosecutor in place, maybe with the last Prosecutor there was an active outreach program, I am not privy to what his strategies were with addressing victims. We have different strategies. It is a totally different administrator. I mean you have the availability if you want to provide as much Victim Witness Counselors as you would like in our budget.

Mr. Bynum: I also have the opportunity to contact Pamela Ferguson-Bray as I did and ask for the statistics. They are right here and according to her in 2009 there were 56 active cases for victim compensation, and in 2011 there were 18. I asked for other statistics. I have not received them yet...

Ms. Iseri-Carvalho: Because not all the cases go through crime victim compensation. Not all of the cases go there.

Mr. Bynum: Especially when the victims are not contacted...

Ms. Iseri-Carvalho: And that is a total lie, Mr. Bynum.

Mr. Rapozo: Mr. Chair, Mr. Chair, point of order, point of order.

Chair Furfaro: I am just going to remind everybody, the decorum here is under my control. Okay? Make sure you all understand that. How we react, how we pose questions and so forth. Let us all be mutually respectful. Okay?

Mr. Rapozo: Mr. Chair, I just have a point.

Chair Furfaro: You have a point of order already.

Mr. Rapozo: We had this on the agenda several months ago with the Victim Witness Program. We received all the information and we are limited to time with the Prosecutor's Office, and I would much rather discuss the issues that pertain to the budget rather than how the Department Head runs their Department.

Chair Furfaro: Okay, I want to point out. You will have the floor, let me answer the point of order. Okay? The Chair can choose to take any questions and forward them to the Prosecutor's Office as the standard that I have already established and asked for written responses within a 48-hour period. Those people here and answering and we had that with Engineering and Finance. They may choose to say we will get back to you in writing. Okay. It is not my intention to go beyond the time that we have made for today but I will entertain late written questions. You have the floor, Mr. Bynum.

Mr. Bynum: In your statistics for conviction rates can you provide us the numbers? I have statistics. I would like to see the numbers, and can you provide statistics for...

Ms. Iseri-Carvalho: Can you provide all that you are requesting in writing so we will have that information and staff will prepare that?

Mr. Bynum: Can you provide statistics for DWI?

Ms. Iseri-Carvalho: We do not, our system does not keep track of DWI because we do not have a system. That is why we came here to ask for an updated system.

Ms. Yukimura: What is DWI?

Mr. Bynum: Driving while intoxicated. So you cannot tell us how many cases you have prosecuted...

Ms. Iseri-Carvalho: It is a petty misdemeanor case. No.

Mr. Bynum: In the cases that were dismissed without prejudice, can you tell us which ones were originally charged and then dismissed?

Ms. Iseri-Carvalho: We could not tell you that. There are many reasons for dismissal. One is if we come forward with a case and hold a person for 48 hours. If there is time to do felony information charging or grand jury that is what we will do, but it is the same case but it is because it gets evaluated by paper as opposed to an actual hearing. So there are cases like that on dismissals without. There are cases where victims are on the mainland and do not return, their cases are dismissed without prejudice. There are cases where victims do not want to participate in the process. Sometimes those cases are dismissed without prejudice, some cases go beyond the Rule 48 time period and those cases are dismissed without. So there are numerous reasons why cases would be dismissed without prejudice and those reasons are not documented anywhere.

Mr. Bynum: On your budget all of the deputies are in the budget at \$101,000.00, correct? Can you provide us what the deputies are actually paid?

Chair Furfaro: I think that is a duplicate question that was posed earlier from Vice Chair Yukimura.

Mr. Bynum: I was unaware of that. The last question has to do with turn over. There has been 18 attorneys that have left your office, is that correct?

Ms. Iseri-Carvalho: For various reasons, either termination, movement, taking care of relatives, there is a variety of reasons. There has also been at the Honolulu Prosecutor's Office 16 attorneys that have left that office in the last 2 years.

Mr. Bynum: I have the statistics since Ryan Jimenez was the last Prosecutor of how much turn over there has been. I will not go in to that, but...

Ms. Iseri-Carvalho: Is there a question?

Mr. Bynum: Yes. Are you concerned that during your tenure, deputy positions have been vacant 58 months?

Ms. Iseri-Carvalho: No. When we first started we have 5 1/2 attorneys. There were many positions, people doing 2 or 3 courts in a given week. Since the time has come with respect to turn overs, we had hardly any turn overs, and we had the experience of the attorneys having such phenomenal conviction rates for those that have been doing well they are retained. But if there are attorneys who are not able to keep up with the demands of working 50 to 70 hours a week, and have to deal with the emotional trauma of having to deal with court everyday, there are people just not fit for this job. It is not a job for everyone.

Mr. Bynum: I agree with that. Give me one second.

Chair Furfaro: We are at pretty much closing point so all of you please sum up your final questions here. Mr. Bynum, you still have the floor.

Mr. Bynum: You said in the media several times recently that you dismissed deputies for being dishonest...

Ms. Iseri-Carvalho: I believe that is a Personnel issue.

Mr. Bynum: Without mentioning names, how many deputies were dismissed for being dishonest?

Ms. Iseri-Carvalho: Several.

Mr. Bynum: Several?

Ms. Iseri-Carvalho: At least several.

Mr. Bynum: So you hired deputies that ended up being dishonest?

Ms. Iseri-Carvalho: It is unfortunate that victims had to suffer because...

Mr. Bynum: Excuse me, I have the floor, and I am almost done. Look at all the questions we asked, Mel.

Mr. Rapozo: This is about the budget.

Ms. Iseri-Carvalho: It is unfortunate...

Mr. Bynum: When you found those dishonest deputies...

Chair Furfaro: She is trying to answer you, she was trying to answer you.

Mr. Bynum: Well, I would not know because I was interrupted by Mr. Rapozo.

Chair Furfaro: I am advising you she is trying to answer you.

Ms. Iseri-Carvalho: There were several attorneys that were dismissed or were not retained because of being dishonest. Cases that came up for example was when attorneys were lying and saying that witnesses had been subpoenaed for certain cases, and we learned they were not. The reason is because there were several defense attorneys who were sitting in court who represented certain parties in other cases, and they had called our office over 10 times and did not get any response back, and the case was dismissed even though the victim wanted to prosecute. There were cases, Class A felony cases that were dismissed with no authority of trafficking cocaine from California. There were cases dismissed, sex assault cases, phone calls and confessions that were dismissed. Attorneys who were handling these cases deserve to be dismissed from the office because there were a lot of victims that suffered because of the actions or inactions of these attorneys that seriously affected child victims, elderly victims, people who were visiting, so yes. If you are a dishonest person you do not deserve or should be a member being paid by the public an occupation such as the Prosecuting Attorney's Office.

Mr. Bynum: I agree with that too. My last question, these dishonest people who did not meet their responsibilities as attorneys, did you make the appropriate referrals to ODC or the Ethics Board?

Ms. Iseri-Carvalho: I do not know if we had done, we did, on at least one we did. It varied. It depended on the type of case, it depended when we found out about the dishonest actions. There was investigations done to determine a lot of this dishonest actions unfortunately by attorneys at public expense.

Mr. Bynum: And that criteria would apply to anyone in your office?

Ms. Iseri-Carvalho: About being dishonest? Of course.

Mr. Bynum: Thank you.

Chair Furfaro: Councilmember Yukimura, I am going to let Councilmember Kualii (inaudible).

Ms. Iseri-Carvalho: In fact, I wanted to finish upon Mr. Bynum's question. There were more than several attorneys dismissed at the recommendations from the Kaua'i Police Department because they had determined or found certain dishonest actions that had been involved in the cases that certain attorneys were handling, that were brought to my attention and attorneys were dismissed for that.

Chair Furfaro: Thank you. Mr. Kualii.

Mr. Kualii: Thank you, Mr. Chair. In the list of positions there is a few positions that have .5%, 1% and I know in your narrative you talked about some of the positions, how they are either fully funded or partially funded by grants, so not funded by the County. In this budget you would not be showing all of those, any other positions that are grant funded?

Ms. Iseri-Carvalho: No. Right now we do not have any positions that are totally grant funded. What happened there were 2 positions that were nearing the expiration on the 4 year term on the grant, and that is why you look at one attorney, there was one, Ernie, in the budget?

Mr. Kualii: (Inaudible)

Ms. Iseri-Carvalho: The drug, remember we cut it back because it was not for the full year and the grant was going to expire in February. Do you remember the position number?

Mr. Delaplane: The position number is 9091.

Mr. Kualii: Yes, you have the asterick on here.

Ms. Iseri-Carvalho: Yes. That was the only one, that one was expiring...the 50% was the person doing this appellate work but that position we needed a full time attorney because we needed somebody to address the Bueno issues, so that position is the one that is currently vacant, E-64 and funded at 50% but we would use unexpended salaries to supply a full-time deputy for that position.

Mr. Kualii: So the salary in that is showing in the half-time E-64 position in the amount that is added in 9091 half-time, those would be one full-time attorney?

Ms. Iseri-Carvalho: There would be 2. We would have to use unexpended salaries or only hire the person for half of the year.

Mr. Kualii: Like a temporary. Okay. Basically, I think it would be good to know what all, maybe there is not a lot and maybe just the few you talked about.

Ms. Iseri-Carvalho: About grants? Or Partially funded grants?

Mr. Kualii: Partially funded. We will ask for it in writing.

Ms. Iseri-Carvalho: Yes, we will be able to provide that.

Mr. Kualii: Thank you.

Chair Furfaro: Okay. If you do not mind since we are going around as I mentioned when Mr. Bynum was finished, we are going around with last questions. The rest of the questions we can send over in written form and I will recognize you Vice Chair Yukimura after I have my questions.

Ms. Yukimura: Sure.

Chair Furfaro: Jake, my question is directed at you and I think you may or may not know my cousin was the First Deputy Prosecuting Attorney for the City and County of Honolulu, and returned to private practice. I want to get equivalence now. When I talk about equivalence, I am making that 2,080 hour employee is a full-time equivalent and I know you do not work those hours; you work a few more than that. But if I look at your staffing guide I see there are 11, no, there are 13 total attorneys. Two are in the staffing guides as half-time, so I am going to basically say that means we have 11 full-time equivalents, and then in that count is the Prosecutor herself which I am not counting. Okay. So that says that if all the positions were filled, and regarding how long they were aged in that position, and Mr. Bynum has done some research that indicated 58 months, 58 months of attorneys were vacated and we are using a full-time equivalent of 396 full-time equivalent months of work. That means you averaged a 14.7% vacancy. How does that compare to the other counties in percentages, not in number of attorneys, just in percentages?

Mr. Delaplaine: I do not have that information.

Chair Furfaro: I know I will send it over in a question.

Mr. Delaplaine: Absolutely. We can get that for you.

Chair Furfaro: I will send it over in a question. I do not want to know about anything other than the full-time equivalents. We had 58 vacant months, but how does that compare to the ratios (Maui County, City and County of Honolulu, etcetera)? I will send that over in a question. You have my question? Okay. Vice Chair Yukimura.

Ms. Yukimura: Thank you. In your travel budget you are showing a 300% percent increase?

Ms. Iseri-Carvalho: What page number is that?

Ms. Yukimura: 23 from last year.

Ms. Iseri-Carvalho: What page is that?

Ms. Yukimura: It is page 28.

Ms. Iseri-Carvalho: Ours is page...

Ms. Yukimura: Last year it was \$2,300.00, this year you are asking for \$6,300.00?

Ms. Iseri-Carvalho: I need to check which travel because it may be witness travel. Is that what you are referring to? Witness travel?

Ms. Yukimura: It does not say that.

Ms. Yukimura: Excuse me, Jake, her pages are hitting the mic and blocking the voice.

Ms. Iseri-Carvalho: Sorry our pages are numbered like yours, we have page numbers 1 through...

Ms. Yukimura: Well, it looks like 58 trips, 95 trips versus last year's 58 trips.

Ms. Iseri-Carvalho: I am sorry, 58? Can you repeat that, Ms. Yukimura?

Ms. Yukimura: The money figure, it is line item 001-0401-513.56.

Ms. Iseri-Carvalho: 513.56-01?

Ms. Yukimura: Yes.

Ms. Iseri-Carvalho: And the reason is that, well, as President of HPAA I do have a lot more meetings that I attend on behalf of the HPAA Organization, number 1, and number 2 I attend, or someone attends all of the parole hearings that involve sex assaults and murders which normally the Office of the Prosecutor did not participate in.

Ms. Yukimura: That is a difference over last year?

Ms. Iseri-Carvalho: Yes. That may be the difference because it depends how many parolees are either at Halawa or at the medical facilities. But I have attended quite a few, and especially multiple hearings on cases that we, either they are coming out on parole or they are setting the minimum term for parole.

Ms. Yukimura: Okay. So...

Ms. Iseri-Carvalho: And all of those are done on O'ahu. We have some done on Kaua'i if they are in the Kaua'i facility, but if they are in Halawa or on the mainland or Arizona, what is the other place? Kentucky. Then those hearings, there is no opportunity for teleconferencing for those meetings.

Ms. Yukimura: But you do not handle any trials or court work, right?

Ms. Iseri-Carvalho: I do. I am doing the murder trial.

Ms. Yukimura: You said last time that you do not...that you did not handle any at all...

Ms. Iseri-Carvalho: What?

Ms. Yukimura: In the budget. I asked that in terms of other, you provided information from the other counties that showed that the Prosecuting Attorneys do not handle cases either, the head Prosecutor.

Ms. Iseri-Carvalho: No. That is totally an error. I have been handling cases...

Ms. Yukimura: We can get the minutes from the last...

Ms. Iseri-Carvalho: Please do. That was the difference that I said in my office. The other Prosecutors do not handle trials like I do. I am in court a lot of the times. We were just there on the Hilario voluntary motions, we are doing the murder trial.

Ms. Yukimura: I thought that John Murphy was doing the Hilario case.

Ms. Iseri-Carvalho: We have 3 attorneys doing the Hilario Case.

Ms. Yukimura: Alright.

Chair Furfaro: Ladies we will go back and check, ladies, we will check the narrative in the minutes.

Ms. Yukimura: Alright. Thank you.

Ms. Iseri-Carvalho: I can tell you what exists. I do handle trials. I have handled sex assault trials, murder trials, and a variety as the Prosecutor.

Ms. Yukimura: Okay.

Ms. Iseri-Carvalho: I have been in court, I have handled motions for revocation, I handled conditional releases...

Ms. Yukimura: Alright, we will get the evidence from the court. Thank you.

Ms. Iseri-Carvalho: I have handled motions to suppress, I have handled voluntariness hearings. What I said was that was unusual because all of the other Prosecutors on the other neighbor islands do mainly, if not all, administrative work.

Ms. Yukimura: And Jake handles trials too?

Ms. Iseri-Carvalho: Yes.

Mr. Bynum: Guaranteed?

Ms. Yukimura: Well, the only one I know he handled is the Tim Bynum case.

Ms. Iseri-Carvalho: Excuse me, this is ridiculous.

Ms. Yukimura: Okay, alright.

Chair Furfaro: I am going to be honest with you folks. We have a time limit. I am going around the table and Councilwoman Nakamura has a question. She will have the final question. The other pieces you have posed we can check the narrative in the past testimony, so let us move on to your next question.

Ms. Yukimura: Thank you.

Ms. Iseri-Carvalho: Mr. Chair, can we...

Chair Furfaro: Let her finish her question.

Ms. Yukimura: I would like to know about your diversion program where you are showing doubling. What does that involve, your diversion programs?

Ms. Iseri-Carvalho: I am sure you are going to send that in writing.

Chair Furfaro: We can.

Ms. Yukimura: I would like to know what the programs are. Can you tell me what that program is?

Ms. Iseri-Carvalho: We have 4 diversion programs.

Ms. Yukimura: Okay.

Ms. Iseri-Carvalho: We have P.O.H.A.K.U., we have Teen Court, we have Drug Court, and we have Mental Health Diversion.

Chair Furfaro: We will send that over as a written question too.

Ms. Yukimura: P.O.H.A.K.U., Teen Court, what were the other 2?

Ms. Iseri-Carvalho: Mental Health Diversion and Drug Court.

Ms. Yukimura: Okay.

Ms. Iseri-Carvalho: Chair Furfaro?

Chair Furfaro: That was your last question, Vice Chair. I am going to recognize Councilmember Nakamura who has been asking to be recognized.

Ms. Iseri-Carvalho: If we could just indulge, we have the promotion ceremony that we have committed to and it is 2:45 p.m and it begins at 3:00 p.m.

Chair Furfaro: She has the last question for today. We will send over other questions.

Ms. Iseri-Carvalho: Thank you. I appreciate it.

Chair Furfaro: Councilmember Nakamura, you have the floor.

Ms. Nakamura: One of the challenges you mentioned the elimination of the judiciary's intake service center and it is very concerning to hear about this, the lack of funding for this service and I wanted to...it seems like there is a gap here, and I was just wondering what is, how are you looking to fill that gap? What is the strategy?

Ms. Iseri-Carvalho: Well, with the Judiciary, they actually stopped community service on Maui, this is now their second year already. What we will almost necessarily find is you

are going to get a separation of the haves and have nots. People who are able to pay for the fines will be able to have that in lieu of incarceration, and people who are not able to pay their fines are going to be incarcerated because that would be the only option available. That is why we were trying to look into creation of diversionary programs so we could allow these persons to get back into the community. We did, it is not so much that it got, maybe I do not know if Jake could have worded it better...Intake which is a section of Department of Public Safety, is totally separate because the Department of Public Safety deals with actually convicted offenders, who are not on probation. So people that go to the jail and they are like the counseling service or pre-trial which means people charged with an offense. They are not in between. Usually it is a probation officer in between that monitors community service etcetera, and so for a long time the intake center, Tarrus Matsumoto, used to be the person that handled it. He had a case load of over 1,100 at one time, for just one person. And so finally, the Department of Public Safety said we need him to do intake 100%; which is do pretrial bail reports and focus on the sentence felons, and the job of community service should be with the Judiciary which has supervision over the probation officers. So it is 2 separate entities – Department of Public Safety and Judiciary.

You know I think that I would prefer to, of course, invest in personnel so that there will be a lot more monitoring and that is why when we started off with our diversionary program, which was P.O.H.A.K.U., we got buy ins from the jail, and from intake, and from the court, from the probation officers, etcetera, because they knew, we were told a year ago when Maui had stopped doing their community service that this was also going to happen on Kaua'i. That was the strategy, to try to provide an alternative program so we could have community service still be an option for certain types offenders. Right now the judiciary says that, when I talked to the Judge Senda that they are trying to convince the State that this is a necessary program and it is great for not only the judiciary, but for offender and as well as the community. Their budgets have been cut also and I believe they have been advocating to retake over the community service branch, but that has not taken place and has not taken place even in this budget.

Ms. Nakamura: I really see that as, not just a public safety problem or judiciary, I think it is a community problem if we do not all work together to try to figure out what we do for Kaua'i. So I hope this will be the subject of future communications with your office.

Ms. Iseri-Carvalho: Yes, yes, definitely. We value the community service program a lot, and so does the nonprofits because a lot of their funding had got cut, so a lot of the work was being substituted by persons that were sent from judiciary to do community service at these nonprofit agencies that had gotten funding cut. Right now they are in really dire shape because they also lost an opportunity for free labor and services from the judiciary, and they worked out a lot. There were many instances where people had done community service that actually got hired at the jobs because where they had done, because they had seen them work for 4 or 4 months. So it really lead to, I mean these offenders becoming contributing members of society and actually getting job opportunities by getting their foot in the door, even with the County and working with community service. So that opportunity is also lost, that on-the-job training aspect is also, and incidental cost when we do not have the community service program available.

Ms. Nakamura: As a follow up, do you think if the State does not fill in the gap at the judiciary level, that it is something the County should step up to?

Ms. Iseri-Carvalho: Definitely. I mean we have been trying to, like I said, even for funding, and teens, and working with the Office of Youth Services because there is Kaua'i especially with the juvenile section, has one of the highest amount of persons that are relative to the population that are housed at HYCF because we do not have the intermediary types of programs. That is a concern and so they offered to give us money to provide these kinds of juvenile diversion programs, to allow the people to stay on Kaua'i, and work and get back into the community, as opposed to being

housed at HYCF, which is a youth correctional facility on O'ahu. They are not able to get services because they are sent there only for short term, so 90 or 120 days will not allow the youth facility to provide the services they need. And so they have actually gone out to us saying "can you come up with diversionary programs," because otherwise we are paying \$127.00 a day for each person that is housed in prison; \$51,000.00 a year. A lot of them are non-violent. A lot of the people that we currently have in HYCF are not felons. They are misdemeanors and runaways, and we definitely as a community need to stand together and say we are going to take care of our own *ohana*, we are going to take care of these runaways, or these status offenses, or the truants that do not go to school. That is where a huge gap is at the level of services to provide to these kids, and you see it in the paper. We have a missing runaway child almost every week. A lot of times, unfortunately and a lot of times there have been more than several occasions when runaways, that is all they have, are being housed at youth centers. The one thing you do not want to do is mix low risk and high risk offenders together, because then the low risk offender becomes high risk. So we are definitely not doing as much as we can and want to do.

Ms. Yukimura: I have a procedural question.

Chair Furfaro: You have a procedural question? Go ahead.

Ms. Yukimura: Mr. Chair, as you probably have learned, we were stopped from any discussion of questions on the P.O.H.A.K.U. project, and I think it really interferes with our ability to do due diligence on a budget item. I want to ask the...well, I want to have the County Attorney up once more but I also want to ask that we reschedule a hearing so that if in a week this is cleared up, that we can have a rescheduled meeting so we can ask questions on the program.

Chair Furfaro: Okay. I heard your question, I am not going to give an answer now. I will give an answer when we get back in order. You will hear from me shortly. Mr. Bynum.

Ms. Iseri-Carvalho: Mr. Chair, can we leave?

Chair Furfaro: You can leave.

Ms. Iseri-Carvalho: Okay.

Mr. Bynum: I just want to say that we had 2 hours scheduled for this budget hearing. We did add time some time this afternoon. The Prosecutor...

Chair Furfaro: Excuse me. I just want to make sure the questions will come out like with other Departments. I expect to have questions sent over and turn around at the end of business on Tuesday.

Ms. Iseri-Carvalho: Yes. (Inaudible)

Chair Furfaro: Just put a line in there "more research needed" or something.

Ms. Iseri-Carvalho: (Inaudible)

Chair Furfaro: Okay. Do the best you can to turn them around. I appreciate that. Sorry, Mr. Bynum. Go ahead.

Mr. Bynum: During the presentation today there was a lot of delays, a lot of recesses. The Prosecutor's Presentation was over an hour long. I have based on her presentation a

whole other list of questions I would like to ask, so I would like there to be a call back session for this, for the Prosecutor prior to decision making. Thank you.

Chair Furfaro: I understood that question. Okay. Vice Chair Yukimura.

Ms. Yukimura: I would like to ask County Attorney to come forward please.

Chair Furfaro: Al, may I beg to indulge because I have members leaving, and I want to say while you are in the room. Please come up and identify yourself, and I want to reflect on something that happened earlier.

AL CASTILLO, JR., COUNTY ATTORNEY: Council Chair, Councilmembers, Al Castillo, County Attorney. Good afternoon.

Chair Furfaro: Al, I want to do this for a benefit of my colleagues at the table, and I have experience on this piece with the Ethics committee, and some decisions they have made for me. Those decisions imply that if I was a director then I needed to recuse myself as a decision making member of the board. They applied with me for my 8 years as Treasurer with the Salvation Army. They applied that because through there we got food subsidies for our Kōkua Kitchens. They made that determination for me as it covered my role as President of Habitat for 9 years, because we got County funds dealing with the sewer system. They implied the same with Leadership Kaua'i because some of the County people came for training in leadership that were scholarship funded by the County. As President of the Historical Society for several years, we had a rent subsidy for the location. But the key part for their conversations with me of which I then submitted my resignations, that I was a director. I just want to make sure I said that because I would encourage as the question was raised to today, for an opportunity to go back and revisit that. I just want to share some continuity. Now that was a few years ago but the question was, was I an Officer or Director, and to me that was the key that I got. Now on that note Vice Chair Yukimura, I thank you for the extending me the courtesy and you have the floor.

Ms. Yukimura: So I had a chance to think about your, I am not sure it is a ruling, but anyway, your direction for this morning's prohibition to ask questions about the P.O.H.A.K.U. project, and I would like further clarification. It is inconceivable to me that a Department Head giving testimony on a budget would need a County Attorney, or any attorney to advise her, and not having one would then not allow us to ask questions based on public information on a subject that she herself provided information on. Can you please explain what legal basis there is to stop the conversation?

Mr. Castillo: Let me get this statement and question correct. Whether or not it is inconceivable on your part, Councilmember Yukimura, the... I did not want to interrupt your question. In terms of the legal analysis and my recommendation this morning, you know, to me if this body wanted to go into executive session on an unanticipated event then we could. But for me, I got to be really cautious and conservative on the call where I did make my recommendation when at that time Councilmember Rapozo had the gavel. Questions can, questions can be raised. I understand that there were things that occurred in the presentation which gave rise to the fact that questions could be anticipated to be raised regarding what was presented. Instead of any witness here or Department Head in any situation when there is some exposure to the County, or County personnel, you would have a County Attorney here giving opinions or giving a recommendation or legal advice to the person sitting here on whether or not that person should or should not be answering the question. So instead of getting into that position I thought it was appropriate. The call was made this morning and I thought it was an appropriate call, but whether or not what I thought...I was not the Chair at the time. To me, what you are saying is you wanted to ask questions and what is wrong with that?

Ms. Yukimura: I do not...

Mr. Castillo: That is why...

Ms. Yukimura: To project the County, that is one thing, but a personal attorney is another thing. I do not understand why that is necessary for a hearing for a Department Head. So you are there to protect the County and any of us can be called on that.

Mr. Castillo: Yes.

Ms. Yukimura: So what are the grounds for stopping a conversation because the Prosecutor does not have an attorney to advise her?

Mr. Castillo: And without violating any of my client's rights to me...

Ms. Yukimura: Your client meaning the County?

Mr. Castillo: Well, it would be 2 right now because what I have to weigh would be the County, the County Council, and the Prosecutor's Office.

Ms. Yukimura: Her personal rights?

Mr. Castillo: Her personal rights or the Office's rights, her personal rights, Jake's rights...

Ms. Yukimura: You are advising them on their personal rights?

Chair Furfaro: Hold on. Some of us are trying to follow this discussion. When you both are talking I cannot follow it.

Mr. Castillo: I am sorry. I strongly suggest that I would be more open and free to answer your questions freely without compromising anyone's rights and if you would like an answer we could go into executive session because it is an anticipated event.

Ms. Yukimura: Chair, could we go into executive session?

Chair Furfaro: I want to know if we can go into executive session but I have one member leaving due to another appointment, and I just sent the other member to go represent me at the Police Promotions because I responded I would come. So we will be down to 4 members here shortly for Liquor and Rransportation. Mr. Bynum, you have the floor.

Mr. Bynum: I think that an executive session would be appropriate and I am prepared to make that motion.

Mr. Castillo: Councilmember Bynum, as far as I am concerned an executive session now as well as an executive session, we do have one scheduled for P.O.H.A.K.U. so I just wanted to throw it out there. I would be able to answer this particular question regarding the set of circumstances that occurred this morning today.

Mr. Bynum: Mr. Castillo, I am sorry.

Chair Furfaro: I want to make sure, with 6 members here if we go into executive session it is a super majority and it will call for 4 of 6 votes or 5 of 7, am I correct? We need 5? Okay. Mr. Bynum, I just wanted to get that clear. Mr. Bynum, then Council Vice Chair Yukimura.

Mr. Bynum: I think extraordinary things have happened in the last few weeks to avoid the public have knowledge, and I have no faith that we will ever go into executive session on these issues.

Mr. Castillo: I am prepared to go now.

Mr. Bynum: I am too.

Chair Furfaro: Vice Chair Yukimura.

Ms. Yukimura: It seems important to clear this up now because if we have to do postings for callbacks, if we could get the issue cleared up that would be very helpful. We have to do the sunshine law requirements of notice, to wait to next Wednesday would push things further back.

Mr. Bynum moved to convene in executive session, seconded by Ms. Yukimura.

Mr. Rapozo: Mr. Chair.

Chair Furfaro: Give me a moment. Being that this was unanticipated, that would qualify us to go into executive session?

Mr. Castillo: That is correct.

Chair Furfaro: Thank you. Okay. Mr. Rapozo.

Mr. Rapozo: Mr. Chair, I have been on the Council now his is my eighth year, I have never...in our normal agendas we have a posting that allows us to go into executive session should something come up; that is not existent today on our agenda. Which means we would have to declare an emergency meeting, that is how I read the statute. On any agenda whether it is a Committee or a Council agenda, we always have that emergency posting. Should something arise in the meeting...we do not have that in the budget meeting, so we are not subject to that. We are subject to 92-8, which is an emergency meeting - if a board finds that an imminent peril to the public, health, safety, or welfare, requires a meeting in less time than is provided for in the Section 92-7, which is the 6 days, the Board may hold an emergency meeting provided that 1) the Board states in writing the reasons for its findings; 2) two-thirds of all members to which the Board is entitled, agree that the findings are correct and emergency exists; 3) an emergency agenda and the findings are filed with the Office of the Lieutenant Governor or the appropriate County Clerk's Office, and in the Boards Office; 4) persons requesting notification on a regular basis are contacted by mail or telephone as soon as practical. If an unanticipated event requires a Board to take action on a matter, remember, it requires the Board to take action on a matter over which it has supervision, control, jurisdiction, or advisory power within less time that is provided for in 92-7, which is the 6 days, to notice and convene a meeting of the Board, the Board may hold an emergency meeting to deliberate and decide whether and how to react in response. And again, the Board states in writing the reason for its findings.

So that is the 2 parallels. One, if you do not have a meeting; we are not in a meeting, if something happens a hurricane, we need emergency funding, we can do it. If during the course of a regular meeting like we have today there is a supposed unanticipated event that requires us to take action, we can go into executive session, we can call an emergency meeting; that does not exist here today. We have an executive session meeting posted in a week and a half. We are done with the Prosecutor's Office, if in fact we repost an agenda for the budget, it is going to require 6 days. We can

move up the executive session for 2 weeks in 6 days if we choose to, so this emergency meeting, emergency executive session are reserved for very, very rare circumstances, and I believe the only one that we had in my whole career, and I was not even present, Mr. Chair, you were here, I was in Las Vegas, when we had to have the emergency funding for the storm. That was done, so obviously I am not going to support emergency meeting for this object. The discussion is done. There is no action to take at this point. It is for information, so that is my position, and if I am wrong, Mr. Castillo, you can correct me.

Chair Furfaro: Let me pose that question to Mr. Castillo, as it relates to a emergency executive session in relationship to definition in HRS.

Mr. Castillo: I know exactly what section Councilmember Rapozo is alluding to and that is not what is applicable here. This is an unanticipated event regarding...it is within the agenda item and it is specific to the facts and circumstances that arose today which were unanticipated. So therefore, there is sufficient for determination of an unanticipated event. If you have two-thirds, of the members present you can go into executive.

Chair Furfaro: So I got that part right. We have 6 Members present. I need 4 votes.

Mr. Castillo: Yes.

Chair Furfaro: If the motion comes up?

Mr. Castillo: I thought it was 5. I am sorry.

Chair Furfaro: A super majority of those present is 4 of 6.

Mr. Castillo: Yes. That is what I read.

Chair Furfaro: Okay. Good. Vice Chair Yukimura, and then Mr. Bynum.

Ms. Yukimura: So all we are trying to do here and to get...by getting the Prosecutor's Office in a callback is budget information for a budget decision. I do not know how and why people could be against that. This is a decision we have to make. I do not of any, we have not been given any good reason why we should not be able to get that information and do our job. All this thing is going to do in executive session is to get some clarification about that. It is a very logical and reasonable thing to do. It is not going to, we are not going to make a decision so it is not like right now, but we need to have this information, and it did come up at this meeting about an agenda item on this meeting.

Chair Furfaro: Okay. Mr. Bynum, and then Mr. Kualii.

Mr. Bynum: Wednesday we had executive session posted and I heard, my memory, Deputy County Attorney Mona Clark say that it was for a briefing to provide information to the Council to make informed decisions that there was potential liability and delays could exacerbate that liability concern. I just said I think extraordinary measures have been taken to keep the public from getting some information, and to use a sport's analogy, it is like let us play out the clock. That has been one of the tactics that has been used, it is like let us run out of time. What an executive session will do is put that discussion on a record, maybe not a public record, but where people are held accountable for the questions they ask and the answers. I think we should do that and quit playing these games and serve the public.

Chair Furfaro: I have to say, Al, I take a little offense to that. I do, Tim. Earlier you said "if we ever get to there" and I deferred that after hearing from 3 of your attorneys. My tendency today is to vote for the executive session but I want to make sure at the time hearing from Jennifer Winn, Mona, I asked questions about the standings of certain people and so forth. I also heard from an attorney that asked for more time to respond to some Q & A. That is the reason for the deferral, to be implying that I plan to get there in 2 weeks and I plan to vote for it today if that is what needs to be done. Unfortunately, I am short of answers from the morning session but I am prepared to go into executive session. Mr. Rapozo.

Chair Furfaro: I am sorry, Mr. Rapozo, Mr. Kualii had his hand up. Go ahead. I am sorry. My apologies, sir.

Mr. Kualii: Thank you, Mr. Chair. Like you I think it is not useful to make comments like "quit playing these games" and to try and misrepresent who is concerned about being open and transparent to the public and who is not. I think that this matter does not rise to the level of critical importance where we are actually making any kind of decisions for us to have to go into executive session now, and for of all things to talk about possibly talk about the P.O.H.A.K.U. program which we did not talk about during the whole budget process at the advice of the Attorney. The P.O.H.A.K.U. program is going to be in an executive session and posted appropriately according to the Sunshine Law and being transparent to the public very soon, coming up next week. As far as the budget goes and us collecting information, we are not making any budget decisions until well after we get whatever information we still need to get and have from the fellow Councilmembers in that executive session next week Wednesday. So I see no reason to support an executive emergency session that rises to a level that has never been before today. Thank you.

Chair Furfaro: Okay. Mr. Rapozo, you have the floor.

Mr. Rapozo: Mr. Castillo, this whole controversy of P.O.H.A.K.U., I do not know if you can answer this, but it was generated from I think from the Council. If you cannot answer that is fine. This whole, there was a reference to a toxic environment earlier, but yet comments made by a couple of my colleagues were very toxic to encourage that environment which I totally really am frustrated with. More importantly like the Chair and Mr. Kualii has said, we are accused right now of playing games, stall tactics, and running out the clock when it was, again as the Chair has stated it was under the advice of Deputy County Attorney Jennifer Winn to defer the item; it was not a Council sponsored or solicited action. It was a request from a Deputy County Attorney that we in fact defer that item for 2 weeks, which is what I am supporting. It is not a tactic, it is not a...

Mr. Castillo: Can I reply? Yes, Jennifer Winn came here on behalf of the the Prosecutor's Office, to request a deferral. Whatever Ms. Winn did or Mona Clark did really it is besides the point. Going into executive session today basically has little to do with the P.O.H.A.K.U. program. The question that was posed to me is: Why can we not discuss this? Why can I not ask this question? It is hard for me to answer those questions and give you legal advice without violating the, I guess my duty to my other clients. That is what I want...so the executive session is for the benefit of you and for the benefit of me, nothing to do with the...

Mr. Rapozo: I just have a follow up, Mr. Chair.

Chair Furfaro: I just want to make something real clear here. When I reference your attorneys to the body and my colleagues here, I know who is representing who. I did not say she was representing your Office. I understood she was allocated to Ms. Iseri-Carvalho. That particular representative asked for the 2 weeks. I am a fair and reasonable man. I gave it, but as I was absent from this morning and many issues came up, maybe I am prepared if there is a motion

on the floor to go there. But I want to make sure it is understood I knew who was representing who. Mr. Rapozo.

Mr. Rapozo: If that is the case then the request that was requested by Councilmember Yukimura, she wants to know what is the legal basis for ending the conversation on that program, that is what I heard and that is what you just defined. It has nothing to do...

Mr. Castillo: This morning.

Mr. Rapozo: Right, this morning's concern that based on advice from you I did not allow any discussion on the program. If the question is merely - I want to see the legal basis, can that not be done in a written request? Can that not be done...I guess and I want to hear it from my attorney now, what is the imminent cause? What is the difference if we get the answer today, which I do not know how you are going to do it if you do not have the opportunity to do the legal analysis. That is my question. What is the imminence that we need to do it today?

Mr. Castillo: It can be done both ways as you know.

Mr. Rapozo: The question was, what is the imminence?

Mr. Castillo: That is where you decide on your vote.

Mr. Rapozo: And that is why, because the statute requires imminence. We cannot just go into executive session because we forgot to post it. Am I correct?

Mr. Castillo: It is an unanticipated event that if someone wants...

Mr. Rapozo: Exactly. But the level of standard to do something of this nature, because we are going to set a precedent today, that if we do this today, everytime I believe we should go into executive session I am going to expect us to go, which is not the reason for an executive session.

Mr. Castillo: The vote is up to you.

Mr. Rapozo: Right. Thank you.

Chair Furfaro: it is now a quarter past three. I would like to call up Liquor if I can, so I can reschedule them to another day. My mutual agreement, but I need to call him up. What time is available to us for Tuesday? Director can you introduce yourself?

ERIC HONMA, DIRECTOR, LIQUOR DEPARTMENT: For the record I am Eric Honma. Mr. Chair, I believe you have a request?

Chair Furfaro: Yes. I would like to ask, since we have posted an opening at 1:30 p.m. on Tuesday, 1:30 p.m. to 2:30 p.m., could we go into recess on the Liquor agenda item and ask you to return to us Tuesday at 1:30 p.m.?

Mr. Honma: Tuesday at 1:30 p.m.? I believe my calendar is open. I will go back to the office and confirm and then send a message to the Council Staff. I will comply with your request, Mr. Chair.

Chair Furfaro: Thank you. So, Eric, we are going to wait to hear from you and then I am going to take a vote to recess until Tuesday. Mr. Castillo, can you come back?

Chair Furfaro: Vice Chair Yukimura, you have the floor.

Ms. Yukimura: Mr. Castillo, I do not know what reference there is in the law to an emergency that rises to any level. I am looking at the law and it says a board may hold an executive meeting closed to the public upon affirmative vote, taken at an open meeting of two-thirds of the Members, and it shall be limited to matters exempted in 92-5, and the reason for the meeting shall be publicly announced. In the OIP's Sunshine Law diagram, can a board convene in executive meeting to talk about subject "x," the question is is subject "x" on the agenda, and if it is not, was the executive meeting unanticipated, and if it was unanticipated, that two-thirds of the Members vote in open meeting to convene the executive session.

Mr. Castillo: And you are referring to 92-7?

Ms. Yukimura: Right. 92-4.

Mr. Castillo: Well, under Chapter 92 you are permitted provided that you vote in this case, 4 out of 6.

Ms. Yukimura: All this talk about standard of emergency, I do not see any language to that effect. It was mainly, was the meeting unanticipated.

Mr. Castillo: Yes.

Ms. Yukimura: Which in this case it was because it did not come up until this morning.

Mr. Castillo: Yes.

Ms. Yukimura: And our purpose is not to talk about the P.O.H.A.K.U. project, that is scheduled for next week. Our meeting is to talk about your ruling that was given today that stopped us from asking questions.

Mr. Castillo: You wanted clarification.

Ms. Yukimura: That is correct.

Mr. Castillo: I felt it was more comfortable for me to do it in executive rather than on the floor.

Ms. Yukimura: Because you are advising your clients?

Mr. Castillo: Yes.

Chair Furfaro: This is the third time I heard the same answer from the County Attorney. We are the clients, you are our adviser, so I am going to give you a chance, Mr. Kualii, and then I am going to call for the question.

Mr. Kualii: Mr. Chair, would it not be just as simple to take a recess and let the Vice Chair Yukimura talk to the Attorney and get the answer she wants? Otherwise, let us just vote and regardless of who decides, who feels it is not rising to the level of critical importance or not, ultimately a vote will decide whether we go into executive session so that Vice Chair Yukimura

can get the answer to her question. If not, she can still get the answer by talking to the Attorney. Thank you.

Chair Furfaro: I am not going to recognize you, Vice Chair Yukimura. I am going to call for the question. This will be a roll call please. The question is on advice of the County Attorney we are allowed to go into executive session for clarification on a subject matter that came up that was unexpected. Let us start the roll call please.

The motion to convene into executive session was then put, and failed by the following vote:

FOR CONVENING:	Bynum, Yukimura, Furfaro	TOTAL – 3,
AGAINST CONVENING:	Chang, Kualii, Rapozo	TOTAL – 3,
EXCUSED & NOT VOTING:	Nakamura	TOTAL – 1.

Chair Furfaro: We do not have what we need. Mr. Bynum, for the record before we take a tape change I want to so note I received notice of Mr. Bynum of his intention to depart for a previously scheduled appointment.

There being no objections, the budget hearing was in recess at 3:24 p.m.

The departmental budget reviews reconvened on April 20, 2012 at 12:03 p.m., and proceeded as follows:

Excused: Council Chair Furfaro
Councilmember Nakamura (12:45 p.m.)

Mr. Rapozo: Agency on Elderly Affairs. So if you could introduce yourselves for the captioner and you can proceed with your presentation. Do you have a PowerPoint? You may proceed.

KEALOHA TAKAHASHI, EXECUTIVE AGING: Mr. Rapozo, Members of the Council, aloha. With me is Azi Tuturici, Accountant. I

I want to thank you for this opportunity to review the Agency on Elderly Affairs budget for 2013. There are three (3) business items that I will cover in my budget presentation. First is to give an accounting of the a what AEA along with our service providers and volunteers accomplished since our last meeting a year ago. Second, to request to lease a vehicle, third, to give an over view of AEA's operating budget.

First of all, if you would turn with me to my budget presentation page 1. I have incorporated the goals and objectives as stated if our four-year area plan for the periods of October 1st, 2011 to September 30, 2015 and for the viewers at home, the area plan is available on-line at www.Kauaiadrc.Org, so they can have access to that.

Mr. Chang: Kealoha, would you repeat that one more time just to make sure the captioner has that information.

Ms. Takahashi: It is www.kauaiadrc.org; it is our Kaaui ADRC website which we have posted our area plan.

Mr. Chang: I am sorry, if I can.

Mr. Rapozo: Go ahead.

Mr. Chang: Can you clarify what is AAA?

Ms. Takahashi: It is an Area Agency on aging.

Mr. Chang: Thank you.

Ms. Takahashi: For No. 1 is to develop Hawai'i's Aging and Disability Research Center what we term ADRC to it is fully functioning capacity to service as a highly visible and trusted place where all persons, regardless of age, income, and disability can find information on the full range of long-term support options. I will highlight to you some of the objectives that we have accomplished within the year and item 1a, and part of our objective is to have 1,200 visits made annually on our website.

We have accomplished, if you see in my report, in parenthesis I have included data as far as what we have accomplished the past year. So we have had 1,634 visits or "hits" as you would term, were made op our website, and for the periods from July 2011, to January, 2012. So that is remarkably a lot.

Item 1e, 6,000 information referral contacts will be provided to elderly adults annually. We have accomplished 6,699 contacts were made, we served 1,223 older adults for that same period of July 1, 2010 to June 30, 2011.

The next item 1f, we conducted a minimum of one training annually for area agency on aging staff and partners on the development of ADRC, and we held a forum last year in May on the 26th inviting service providers and partners to review what ADRC meant and how we would proceed down the years. That is just some highlights on Goal no. 1.

Goal no. 2 is to enable older adults to remain in their homes, with a high quality of life for as long as possible through the provision of home and community based services, including support for family care givers. In 2a, I just wanted to acknowledge our contractors or service providers that we have dealt with in the past year, and they are namely Alzheimer's Association, AND Consulting Services, Child and Family Service, Kaua'i Adult Day Health Center, Kaua'i Economic Opportunity, Inc., Nurse Finders, Senior Law Program, and the County Transportation Agency.

Turning to the next page, item 2c, in our objectives, we stated that we would serve 800 older adults to receive home and community-based services. We served 1,670 older adults.

Item 2d, 130 caregivers, including grandparents received support through home and community-based services. We served 137 caregivers, including grandparents.

I want to go on to the third goal, which is to empower older adults to stay healthy, active and socially engaged using prevention and disease self management strategies.

Item 3a, we had a goal of training 8 lay leaders, but for the year 2011 we trained 10 lay leaders; these volunteers who help with our Chronic Disease Self-Management Program.

3c, nine (9) Better Choices Better Health workshops will be provided, we provided six (6) workshops.

3d, 90 older adults will complete the workshops. There were 48 that completed.

3f, 175 elders participated in enhanced fitness classes. We had a cumulative total of 205 who participated; it is great. Further on I will show you a chart on how well they did the first month being in the program, as well as some of their comments that they have made to us.

And 3I, 500 older adults will be engaged in volunteer opportunities through RSVP Programs; we had 524 volunteers.

Goal no. 4, manage funds and other resources efficiently and effectively using person-centered planning to target public funds to assist older persons at-risk of institutionalization and impoverishment.

4a is to develop a hospital discharge planning model for medicaid eligible clients to streamline access to services in the community by the end of year 1. While our State Executive Office on Aging, they took the lead on this and adopted the Colman Model as the Hospital Care Transition Intervention Model.

Item 4b, a minimum of ten (10) older adults who are discharged from Kaua'i Veterans Memorial Hospital (we partnered with KVMH) on the Westside to demonstrate this program hospital discharge program. And I am happy to say that we have started a program March 27 of this year and we have served five (5) clients already.

Item 4d, 10 older adults who participate in the persons-centered planning each year during grant period. This is called the Community Living Program, where we give or provide funds for the individual or the older adult to purchase their own services. So it is really different from what we traditionally have been doing. To-date, we made 6 referrals. The referrals go to our State Executive Office on Aging, who has a Program Manager, she acts as Kaua'i's coach. So she in turn would come to Kaua'i and interview these referrals or families that we referred. We made 6 referrals and 4 are enrolled in the program.

The last goal, goal no. 5, ensure the rights of older people and prevent their abuse, neglect, and exploitation. We started a program so it is just in the initial stages right now, so next year we will have a report on what we have accomplished.

Just to summarize on page 3 of my presentation some significant successes and achievements that we have accomplished this past year. Of course the Chronic Self-Disease Management Program which we term Better Choices Better Health, we completed again 6 workshops, and held a lay leader training with 10 people trained. Two (2) leaders were trained on O'ahu in the Diabetes Self-Management (it is a cross-training) and we have currently provided 1 workshop that was very successful. The second success of course is our enhanced fitness program, which is a low-impact strength-training program that focuses on balance, strength, endurance and flexibility. It is designed to help older adults reduce their risk of developing chronic conditions such as high blood pressure, osteoporosis, heart disease, diabetes, and depression. So we have a number of participants enrolled in the wait list as of January 2012.

And then we serve as I mentioned 205 participants and if you see on the next page, the chart, now this is a cumulative total of persons when they first started the program, their base line fitness check, and then after 4 months into the program, you see a an increase on what they can do as far as chair stands, significant improvement in their upper and lower body strength, their arm curls, and they up-and-go, they cut the number of seconds it took them to stand from stand the chair, go around the cone and come back to the chair and sit; really great improvements. What is really more complimentary to the program is what the participants have to say and if anything, they really first comment is, "I feel like I am getting stronger," second is, "this program encourages me to routinely exercise. It is fun to move to music. I love it," "I also appreciate the weight-bearing exercise, which I normally would not think about, it strengthened by arms," "the exercise makes me more energetic, I am hoping to get better numbers on my bone density," "great opportunity to exercise as a group, no matter how old the members are, they try to do their best, always a concern when one misses class" this is so true with the Kapa'a class. "We are like family, we laugh and share concerns," and the last comment is, "I am especially happy with my increased bone density." So it is really a positive program, and I am really happy that we are able to provide that to the community.

Ms. Yukimura: How old do you have to be?

Ms. Takahashi: 60. I think the median age, and I am guessing, is 77 or around there. The oldest one is in her 90's.

The third item is our information services. We have a staff of 7, 5 community service workers who are out in the communities, they do a lot of home visits, along with Program Specialist who surprises the 5, and a Data Operator, a statistician if you will. They provide outreach services and I have a list of various places that they have done. What is really neat is what they were able to provide or identify 271 older adults. So on page 5 of course our RSVP Recognition Luncheon is a hit. We were able to provide recognition luncheon December 2, 2011.

And then the next is our annual event, Older Americans Month, and I have provided you a flier with a list of nominees; we have ten (10) this year. This is the Older Americans Award Recognition is scheduled on May 8th, 2012 to be held at the Kaua'i Beach Resort. Older Americans Month is our chance to show our appreciation and support to our seniors, as they continue to enrich and strengthen our communities. This year's theme and I quote, "Never Too Old to Play." It encourages older Americans to stay engaged, active, and involved in their own lives and in their communities. This year's nominees you see listed is Florencia Balualua, Dorothea Dolly-Brierly, Martina Brun, Nancy Freitas-Fuller, Kay Hill, John Lydgate, Shirley A. Matsuo, Lauren P. Wade, David Walker, and JoAnn Watanabe; we have a great group.

The sixth item is home delivered meals. Kaua'i Economic Opportunity serves as our provider for both home delivered meals and congregate meals. We serve 354 older adults and delivered a total of 52,038 meals. Now I also provided you a chart with the demographic breakdown of the types of people that we serve. I would like to reference on the targeting performance clusters one and two, it is two-sided, so if you turn to clusters 1 and 2 services. In the first column, it describes the categories we keep data for as we look at our older population. The first row is at or below poverty, low-income minority, rural residents, frail, 2 or more ADL, ADL's are considered activities of daily living which include: eating, dressing, bathing, using the toilet, transferring, and mobility. So if they have 2 or more areas where they need help, whether it is eating, dressing, bathing, using toilet, transferring, we keep that data and the staff makes an assessment to indicate what ADL's they are lacking.

Going back to the targeted performance chart, you have limited English proficient, living alone, living alone in poverty, 75 years old and over. Now if you look at the end, those are the number of the population or number of seniors. The second column the U.S. Consensus, this is 2010 base line data, PSA refers to our planning service area and Kaua'i is PSA 1, older population. So the number of older population we have on Kaua'i totaled to 14,723, and of that population we have 92% that are at or below poverty, 100% of Kaua'i is considered rural residence. 37.7% are considered frail, 15.3% are limited English proficient, living alone we have 24.8%, and those are that 75 years old and older, 31.5%.

So now if you go to the next column 3, you can look at the total people that we served. Any number of services, we served 1,720. And then you have the breakdown as I mentioned of the percentages of what that entails. So we served 58% that are 70 years and older. If you go all the way to column 7, to "home delivery meals," it describes to you out of the 354 people that we served, 82.5% were 75 years and older. And out of that 354, 40% are living alone; that is really high. And then you have the at or below poverty, 26%. So we looked at where we are really targeting the frail population in this case. The bottom row where it says, "Projected Unduplicated Individuals," this is per area plan on aging. We are looking at our goals that we say we are going to try to achieve. Our goal of 315 for home delivery meals we far exceeded that at 354 individuals that we served.

On the back you have other services that are considered clusters 3 and 4 and it is transportation information, and referral, outreach, friendly visiting, telephone reassurance. If you look at the end it is the enhanced fitness class and it gives you a look at 57% of the enhanced participants are 75 years and older.

Continuing with my budget presentation on page 6, I want to cover some of the challenges. Again, and for the past three years we have faced challenges with staffing. We lost our Planner; she retired. So then my second business item was really the wear and tear of vehicles is also really a concern. We have a majority that are female staff and our outreach staff, community service staff is all females. They have been at times left stranded on the road, and that is what we are requesting, not to lease a vehicle, to replace one.

And so some of our planned improvements, we have the following two objectives. We want to improve on our maintaining the integrity of our client database to track and record accurate service utilization and expenditures and produce client demographic data that I have showed you. This was prepared by our newly hired staff, Lito Asuncion, who comes from the Big Island and was an employee with the Area Agency on Aging there; he comes with a wealth of knowledge, and he was able to provide this chart for me.

Some of our up-and-coming initiatives, as I have mentioned the official start of the Kaua'i Care Transition Program at the Kaua'i Veterans Memorial Hospital, it started on March 27 of this year. This program uses the care transition intervention or what we term CTI approach. A successful evidence-based model designed to target high risk patients for hospital readmission, and reduce their rates for readmissions, and emergency room visits. With the assistance of a trained CTI coach, patients learn to better manage their care, so they recover successfully at home and remain healthy. Jan Pascual is our designated coach, who we have hired or contracted. The Kaua'i Care Transition Program is funded by Federal grants from the U.S. Centers of Medicare and Medicaid Services. The Federal funding is until September 29th. However, we are asking for an extension of the project period, because we started late in the year with our program. So we have some additional funding to run through September, and then hopefully State Legislature will continue funding this program.

And then the third item of business is really to review our operating budget, if you have questions, on our operating budget, as you can see, you see diagrams from our 2013. There is a little increase in salaries and wages and that is just a slight increase.

Salary and wages, if you look at page 7 in the middle chart, where you are looking at the comparison between 2013 and 2012, salaries and wages, there is a slight decrease only because of the new hires, and then it took us a while to get people staffed. So there is a little bit of savings. Of course benefits increased, and then operations stayed the same. And reviewing, we do not have any new positions, there are none. And currently we have Azi, who is retired, but we have since called her back as an emergency hire and we are glad we did get her to come back, because it straightened out our books. Then you have a listing of our positions, which is Federally-funded...State-funded. I thank you for this opportunity to share with you our budget for 2013, and hope to receive your support for just the new vehicle.

Mr. Rapozo: Just a new car?

Ms. Takahashi: Yes.

Mr. Rapozo: Thank you. I will allow Councilmember Nakamura, because she has to leave early. Go ahead Councilmember Nakamura.

Ms. Nakamura: Thank you, Azi and Kealoha for your presentation. You have a very lean budget here and you do so much good work in our community. I just wanted to, when we improve the quality of life for our elderly residents we improve the lives of everyone on this island. And so I really appreciate all of your accomplishments this past year, and I will be supporting your request for the vehicle lease. I think that is definitely something that is needed and I want, I am glad Ernie is here, because I said this last year and I am going to say it again this year, that the goals and objectives that have been outlined by the Agency on Elderly Affairs is probably the most well-written in the County that we have seen for the past two weeks. And the reason why is because you have very clear goals and you have measurable objectives, and that is one thing that is very inconsistent in what we have been seeing across Departments. I do not know who on the Administrative side, whose responsibility is to get to this point consistently, but I want to commend you. From our side, it makes it so much easier to understand very quantifiable objectives. And it shows how much you are progressing toward your goals. Thank you very much.

Ms. Takahashi: Thank you. I appreciate that.

Mr. Rapozo: Mr. Chang.

Mr. Chang: Thank you ladies for being here. It looks like we need to unretire Azi on a regular basis. I just wanted to mention also that it is alarming that we have mainly a female staff and have them stranded on the side of the road is very troublesome. I just wanted to add that, because it is not like most guys, if you will, if there is a problem they might have some mechanical skills. So that is definitely an urgency. What is the primary reason and what position are we having the turnover with the staff challenges? Is it across the board or any particular, you mentioned you have turnovers?

Ms. Takahashi: It is just retirements and then filling those positions, so have you that lag time before we start recruitment and hiring.

Mr. Chang: I think I know what is on everybody else's Councilmembers' minds about the recruitment process, but I am not go going there. I wanted to ask you also, what is also unfortunate is the amount of seniors that are living alone. Is there a statistic that son, or daughter, or grandchild, because of economics cannot make it and they have to go abroad to find employment? Do we know what kind of situation arises from that?

Ms. Takahashi: No. At this point, no.

Mr. Chang: And the reason I say that is that my mom sadly recently fell, but she lives alone, she just turned 85, and she was pretty independent, up until recently. I would say thank goodness she fell at Longs Drug Store with people and employees and a block and a half away from the hospital. So this is actually saddening and alarming because you just never know when somebody falls, if they fall and they cannot get up, and they cannot get to a phone or what have you. So I wanted to see if there was a statistic on that and also the delivery of meals, is that seven days a week?

Ms. Takahashi: No, five days a week.

Mr. Chang: So often times, we may have those individuals sadly might not be eating over the weekend?

Ms. Takahashi: Yes.

Mr. Chang: Okay. Thank you for the great job you guys do for people who may sometime be forgotten. Thank you.

Mr. Rapozo: Thank you, Mr. Bynum.

Mr. Bynum: Thank you for your presentation. Thank you for all of your good work. The employee who retired after 32 years, is that Carol? Yes?

Ms. Takahashi: Carol was the year before. It was Naomi Sugihara.

Mr. Bynum: Naomi, right. I just want to recognize those 2 women for their years of service, Naomi and Carol Taylor, and Naomi Sugihara. How many vehicles do you have?

Ms. Takahashi: Six.

Mr. Bynum: Do you know what kind of vehicle you are getting with this lease? The County just recently bought Nissan Leafs, all electric vehicles with 100-mile on a charge range and alternative question, do your workers travel more than 100 miles in one day?

Ms. Takahashi: The farthest, you have 2 points at Ha'ena and Kekaha.

Mr. Bynum: That is about the range.

Ms. Takahashi: Yes.

Mr. Bynum: I have driven these vehicles in O'ahu and they are great, they are less likely to breakdown because of electric motors, so I hope that is considered because they have a huge long term cost-benefit, and the County is putting in the charging stations. So just something to consider. Your positions are SR-9?

Ms. Takahashi: Yes.

Mr. Bynum: My other question was, your Community Service Workers are SR-9?

Ms. Takahashi: Yes.

Mr. Bynum: That is the lowest paid positions in the County?

Ms. Takahashi: Yes.

Mr. Bynum: I would really like us to look at that, why an entry level park worker is paid higher.

Ms. Takahashi: Yes, we are looking at that, thank you.

Mr. Bynum: This is about equal pay for equal work. And I do not know what is involved. I have never asked this question before, but I have never known what is involved in looking at what constitutes such a low pay for people that I think are so important and...

Ms. Takahashi: Thank you for bringing that up. That is next on my agenda.

Mr. Bynum: I am going to ask Finance about that.

Ms. Takahashi: Thank you.

Mr. Bynum: How do we recognize a position and say this should have a better starting pay?

Ms. Takahashi: Thank you.

Mr. Bynum: I cannot think of a position in the County that is lower. I cannot even find any that are similar. For what it is worth I think that needs to be looked at. And then this new program sounds very exciting, and there is a note in there that says, "the funding lasts until a certain date, but it is a requirement that it continue."

Ms. Takahashi: We are...the funding ends September of this year, we are looking into extending the contract with the State. The State in turn has to go to the Federal level and ask for an extension. And pretty much we may have it, I am sure, just to extend another year, so we can use the funds that we already have.

Mr. Bynum: So you may have addressed this, but the health and fitness program was essentially a grant and then we picked it up with County funds? Is that currently the status of that program?

Ms. Takahashi: We also have additional...ARRA funds attached to it. We have funds from the Department of Health, CPPW.

Ms. Tuturici: They are all ending this year, June 30th. So right now all we have starting July 1st, County money.

Mr. Bynum: Is that in the budget to continue the program at its current level of service?

Ms. Tuturici: It is \$114,000.00 and it will barely cover it.

Mr. Bynum: Barely cover it?

Ms. Tuturici: Yes.

Mr. Bynum: Because ARRA funds are going to run out, and CPPW has done so many wonderful things with the pot of money and I did not know it was year 2, but it makes sense, and that is not going to last either. I think it is a wonderful program. I always feel a little guilty when you came here because two years ago I wanted to visit the program and I never did. But I heard feedback from the participants other than what you presented. So I am so appreciative of your agency and two events that I get to participate in each year, RSVP and Older Americans are just very inspirational. So thank you very much for answering these questions. I would like to send a written follow-up question to the Administration about how did we determine that these community service workers were SR-9 and is there a mechanism to look at that and see if it ought to be bumped up at least to an entry level park worker, an entry-level park maintenance worker makes. Thank you very much.

Ms. Takahashi: Thank you.

Mr. Rapozo: Thank you. Councilmember Yukimura.

Ms. Yukimura: Right on, Mr. Bynum. I was not even looking at that and it is something...

Mr. Bynum: The Act that passed last year about equal pay. You know what I am talking about?

Ms. Yukimura: Well, that is such a long standing issue that needs to be addressed and to think that we could address it in our County budget is really a wonderful opportunity. And maybe with a new Human Resources Department coming onboard, you will find more support, too. So I just want to say, as I said before the hearing started, it is such a joy to see the work of your Department so well-presented, and so well-documented, and as Councilmember Nakamura said, it is a model for all Departments. In our minds, because all the goals and objective mission statements come before us, and we really get a bird's eye view and the way you have laid out

your vision and your goals and objectives and then report back in metrics, actual measurements, is very, very exemplary. So thank you and congratulations.

Ms. Takahashi: Thank you.

Ms. Yukimura: And also congratulations to staying close to the budget. You were the only one that did not have to abide by the imposition of that rule, that other Department Heads had to where they had to cut 25% of their overage, because you budget so well, year-over-year after. Excellent.

So I could not find in the budget \$114,000.00?

Ms. Tutturici: \$114,000.00.

Ms. Yukimura: Yes.

Ms. Tutturici: It is... have it on page 2, I do not know how your pages are numbered. It is 00143017043000.

Ms. Yukimura: 30-00?

Ms. Tutturici: Yes.

Ms. Yukimura: I see, \$114,000.00 – Enhanced Fitness.

Ms. Tutturici: Yes.

Ms. Yukimura: And you said that ARRA funds end?

Ms. Tutturici: The grant funds ended, CPPW ended May, we had one that ended in March and the last one will end May 31. So after that we are left only with County moneys until we hear from the State if there will be a Federal grant or not, or maybe a State grant. But at this point we have not had anything in writing.

Ms. Yukimura: That amount will cover it for a year?

Ms. Tutturici: This amount was set up so that between it and the grant it would cover it. Normally what we have done is used up the grants first and then we have expended this partially. So I do not know what this will do this year, because we have expended a little bit more. We have more classes.

Ms. Yukimura: So let us see, so the grant that you are planning to use is likely, or pretty sure?

Ms. Takahashi: We will not know until the ending of this legislation session with the bills attached to County Aging funding.

Ms. Yukimura: The session ends the first week in May, usually, so you will know before we take final action on the budget. So if it does not happen, you need to let us know.

Ms. Takahashi: Okay. Thank you.

Ms. Yukimura: And so this Kaua'i Care Transition Program, which is on page 6 of your report, that is something different right?

Ms. Takahashi: Yes.

Ms. Yukimura: And you say the Federal funding is ending September of this year?

Ms. Takahashi: Yes.

Ms. Yukimura: But you are expecting an extension through the State Office of Aging?

Ms. Takahashi: Yes.

Ms. Yukimura: Pretty sure for at least another year?

Ms. Takahashi: We had a late start in their program. So there are still some funds that we have not expended and we want to be able to use up all the grant funding.

Ms. Yukimura: Good. And regarding the car, I am appalled that there were situations where you were stranded or things were not working. So how can we prevent this from happening? You have your cars serviced regularly and you file reports when it does not work?

Ms. Takahashi: Yes.

Ms. Yukimura: You will not have that problem with a new car, for a while, hopefully, but I am just wondering how we can avoid using a car that does not work to your needs? Any ideas?

Mr. Rapozo: What year was that car?

Ms. Tuturici: 2002 or 2003.

Mr. Rapozo: That is part of the problem, 10 years old and maybe a lot of miles.

Ms. Yukimura: Ernie, maybe we are looking at a better car management system? Lastly, your succession planning, you have lost two senior people and you have a pretty small staff, but I see you are doing crosstraining. Do you have any particular needs that we can address budget wise, or do you feel that your crosstraining...

Ms. Takahashi: No, we are okay, just the point that Mr. Bynum brought up about the SR-9s. I am looking into reclassification and putting that higher.

Ms. Yukimura: Okay. Good. That is definitely an area for work and we support you on that.

Ms. Takahashi: Thank you.

Ms. Yukimura: Thank you.

Mr. Rapozo: Councilmember Chang, you have a question?

Mr. Chang: Thank you, Mr. Chair. Azi, you mentioned you have six vehicles?

Ms. Tutturici: Yes.

Mr. Chang: Now?

Ms. Tutturici: Yes.

Mr. Chang: So the one out of commission would have been seven or the one out of commission would be?

Ms. Tutturici: Six.

Mr. Chang: So the one out of commission was a 2002 or 2003?

Ms. Tutturici: Yes.

Mr. Chang: Do you know the ages of the other vehicles?

Ms. Tutturici: I know we have an older one, 2001, and then the rest are much newer. We have lots newer the other four.

Mr. Chang: So you know the condition of the one? I mean is the one in 2001, is that going to conk out in a couple of months or less than a year?

Ms. Tutturici: Actually, that is in better shape. I believe it is a Sonata, and it is in better shape and ended up being a better car than this particular one, which was not good throughout the years.

Mr. Chang: That might seem like one of the critical parts of the Elderly Affairs, so you might want to have a mechanic or somebody reevaluate the cars. It would not be good for something to happen within the next couple of months after this has been determined this budget cycle. So you may want to have a mechanic take a really good look.

Ms. Takahashi: We have had great support from our Public Works.

Mr. Chang: Good. Thank you.

Ms. Tutturici: Thank you.

Mr. Rapozo: Thank you. You have another one? Go ahead.

Ms. Yukimura: I was interest in page 2. I think you were talking about this program when you talked about referring six people and getting four enrolled in the person-centered planning.

Ms. Takahashi: Yes.

Ms. Yukimura: Can you explain a little bit more about it?

Ms. Takahashi: It is called the Community Living Program. We have funds now, instead of referring clients to our traditional services, meaning that we provide personal care and homemaker services through our contractors, like Nurse Finders. Instead of doing that for this client, what we do is we give them the funds, “x” amount of funds, determine not more than \$700.00 or a monthly amount that they can use and purchase what they are in need of. Whether it is homemakers services, they go to any, or they can pay for their family member to help support them. So it is really a neat way of providing services that they are their own decision-maker or planning to how they want to use the funds.

Ms. Yukimura: These funds come from where?

Ms. Takahashi: Right now it is a Federal-funded grant and this is through our State Executive Office on Aging. It is part of the Aging and Disability Resource Center. There is a Hospital Discharge Planning grant, as well as a Community Living Program grant.

Ms. Yukimura: Yes, you mentioned the Discharge Program earlier in your report.

Ms. Takahashi: Yes.

Ms. Yukimura: So how many people...ten?

Ms. Takahashi: Ten.

Ms. Yukimura: So it is like a pilot project?

Ms. Takahashi: Yes.

Ms. Yukimura: And you are experimenting with not doing planned referrals, but you are briefing them on what the services are that are available and making them eligible for certain amounts of money or determining their eligibility for a certain amount of monthly money is it?

Ms. Takahashi: Monthly, yes.

Ms. Yukimura: And then they are allowed to go hire their own people. And you have an evaluation process at the end?

Ms. Takahashi: Yes.

Ms. Yukimura: So how long has this program been working?

Ms. Takahashi: We just started.

Ms. Yukimura: You just started. So you will go for a year or two and see how it works and then is there a potential for expanding it?

Ms. Takahashi: Yes.

Ms. Yukimura: I see, very interesting. Thank you.

Mr. Rapozo: Go ahead, Mr. Bynum.

Mr. Bynum: I am stuck on this, is your position covered under the salary commission?

Ms. Takahashi: I do not know. I am sorry.

Ms. Yukimura: Civil service?

Mr. Rapozo: She is exempt.

Mr. Bynum: You are heading a Department? This is a Department Head position, right?

Ms. Yukimura: Agency.
Mr. Bynum: Agency head.

Ms. Takahashi: It is a civil service position, but it is exempt, like Mel said and we operate under the Office of the Mayor.

Mr. Bynum: I will follow-up, but I do not know why it would not be an EM-5. I think it is the same issue for me. It is the same issue.

Mr. Rapozo: That can be brought up with Finance.

Mr. Bynum: I will.

Mr. Rapozo: That is an awkward position for her to be in.

Mr. Bynum: I will follow-up.

Mr. Rapozo: I tend to agree. Is that it?

Mr. Bynum: Yes.

Mr. Rapozo: Thank you. I just have a couple of questions, and the first question and our resident vacant position expert left early, so Azi, when did you retire?

Ms. Tutturici: July, 2010.

Mr. Rapozo: July, 2010 and that position has been vacant since July of 2010?

Ms. Tutturici: No, it was filled for a few months and then the person was discharged.

Mr. Rapozo: So how long has the current vacancy been vacant?

Ms. Tutturici: May, 2011.

Mr. Rapozo: May of 2011, a year?

Ms. Tutturici: A year.

Mr. Rapozo: And when was the request, excuse me, when was the request submitted to Personnel, or has it ever been submitted?

Ms. Takahashi: We have.

Mr. Rapozo: When was that?

Ms. Takahashi: I do not know that date.

Mr. Rapozo: Not that I want to see you leave, Azi.

Ms. Tuturici: The Department of Personnel did provide all of the information and when I came back, as an emergency hire, I saw the situation and I have been updating the records and it has been my choice, really, as far as telling Kealoha that I wanted to do this until all the records were fine.

Mr. Rapozo: So we are not trying to actively trying to fill that position?

Ms. Tuturici: Not right now.

Mr. Rapozo: And then the other question is on your consultant services, your home deliver meals and in-home services, and one of the most valuable services that you provide, and year-to-date you have already spent over \$200,000.00, but you are asking for \$176,000.00?

Ms. Tuturici: Can I take that?

Ms. Takahashi: Yes

Ms. Tuturici: What happened was that last year we ended the year with the contract not having expended the complete amount, and the difference between the \$200,000.00 and \$176,000.00 was to carry over from last year. So we are expending really \$176,500.00 within a year's time. Sometimes we do get extra moneys from the State and therefore, we manage the moneys to use the grant funds first.

Mr. Rapozo: So that is a sufficient amount?

Ms. Tuturici: It is sufficient.

Mr. Rapozo: \$176,000.00 can provide you with your goal...

Ms. Tuturici: 354. Yes, that is correct.

Mr. Rapozo: And the only other comment is and I agree that the SR-9 rating, and unfortunately it is not something that you can control and has to be justified, but I am sure can be done. There are some SR-11s that are getting paid less than your SR-9, because the SR-9, that does not determine the salary, that determines the range.

Ms. Tuturici: Range, yes.

Mr. Rapozo: And based on years of service. So your employees at the SR-9 level actually gets paid than some of the SR-11s in other Departments, and that is just the way it is

based on seniority. I would definitely support the movement to get those SR's... it sounds like that is something that you are working on now?

Ms. Takahashi: Yes.

Mr. Rapozo: And that should not take too long. From what I heard from the Personnel Director himself a reallocation can take anywhere from a day to a few weeks, and then we have seen it take over a year. How long has the process been?

Ms. Takahashi: They are aware of it.

Mr. Rapozo: I know that.

Ms. Takahashi: It is back in my court, I have to fix up some stuff.

Mr. Rapozo: Well, let us know if you need help with that. I do not know if any other Departments have SR-9s. I was trying to look through the budget and it is kind of hard to find SR-9s. Again, that would be, I think, it is not even a reward, it is something that they are entitled to. It is not a freebie. Any other questions for Elderly Affairs? If not, thank you very much. Thank you for all that you do, and thank you again for the great presentation.

Ms. Takahashi: We appreciate the Council's support. Thank you.

Mr. Rapozo: And you are getting hybrid sedan. So that is cool.

Ms. Takahashi: Thank you.

Mr. Rapozo: Anyone in the audience wishing to testify? Azi's sister is here all the way from Miami, Florida so welcome and now you can go have lunch. We will be in recess until 1:30 p.m.

There being no objections, the budget hearing was in recess at 12:55 p.m.

