

REQUEST FOR LEGAL SERVICES

Date: January 22, 2018
From: Yuki Lei K. Sugimura, Chair
Policy, Economic Development, and Agriculture Committee

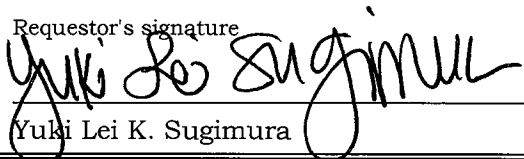
TRANSMITTAL

Memo to: DEPARTMENT OF THE CORPORATION COUNSEL
Attention: Gary Y. Murai, Esq.

Subject: INTERGOVERNMENTAL AGREEMENT WITH THE PUBLIC EMPLOYER GROUP TO SHARE COSTS AND EXPENSES OF SERVICES DIRECTLY RELATED TO THE INTEREST ARBITRATION HEARING FOR BARGAINING UNIT 14 (PEA-55)

Background Data: Please incorporate nonsubstantive revisions to the proposed bill and Exhibit "1" as noted in the attached marked-up copy, based on the Committee's discussion at its meeting of January 22, 2018. Please approve as to form and legality, and include the revised hard copy with your response.

Work Requested: FOR APPROVAL AS TO FORM AND LEGALITY
 OTHER:

Requestor's signature  Yuki Lei K. Sugimura	Contact Person Shelly Espeleta (Telephone Extension: 7134)
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ROUTINE (WITHIN 15 WORKING DAYS) RUSH (WITHIN 5 WORKING DAYS)
 PRIORITY (WITHIN 10 WORKING DAYS) URGENT (WITHIN 3 WORKING DAYS)

SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES): January 24, 2018, at 10 a.m.
REASON: To meet the posting deadline for the February 2, 2018 Council meeting.

FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO:	ASSIGNMENT NO.	BY:
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TO REQUESTOR: APPROVED DISAPPROVED OTHER (SEE COMMENTS BELOW)
 RETURNING--PLEASE EXPAND AND PROVIDE DETAILS REGARDING ITEMS AS NOTED

COMMENTS (NOTE - THIS SECTION NOT TO BE USED FOR LEGAL ADVICE): _____

DEPARTMENT OF THE CORPORATION COUNSEL

Date _____

By _____

ORDINANCE NO. _____

BILL NO. _____ (2018)

A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII, THE CITY AND COUNTY OF HONOLULU, THE COUNTY OF KAUAI, ~~THE COUNTY OF MAUI~~, AND THE COUNTY OF HAWAII TO SHARE THE COSTS AND EXPENSES OF SERVICES DIRECTLY RELATED TO THE INTEREST ARBITRATION HEARING FOR BARGAINING UNIT 14

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

SECTION 1. Purpose. The State of Hawaii, the City and County of Honolulu, the County of Kauai, the County of Maui, and the County of Hawaii ("Public Employer Group") and the Hawaii Government Employees Association, AFSCME, Local 152, AFL-CIO, are at an impasse with regard to the collective bargaining agreement for Bargaining Unit 14, and it is anticipated that the matter will be resolved via interest arbitration.

A copy of the Intergovernmental Agreement between the members of the Public Employer Group to share the costs and expenses of professional services directly related to the interest arbitration hearing for Bargaining Unit 14, including expert witnesses, arbitrators, and court reporters, is attached hereto and incorporated herein by reference as Exhibit "1."

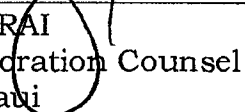
SECTION 2. Council authorization. Section 2.20.020, Maui County Code, provides that, unless authorized by ordinance, the Mayor shall not enter into any intergovernmental agreement or any amendment thereto which places a financial obligation upon the county or any department or agency thereof.

Pursuant to Section 2.20.020, Maui County Code, the Council of the County of Maui hereby authorizes the Mayor to enter into an intergovernmental

agreement, in the form attached hereto as Exhibit "1," all other necessary documents relating to the agreement, and any amendments thereto.

SECTION 3. Effective date. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:



GARY Y. MURAI
Deputy Corporation Counsel
County of Maui
LF LIT-5674/2017-0098
2018-01-11 IGA Ordinance

Intergovernmental Agreement

This Intergovernmental Agreement (IGA), executed on the respective dates indicated below, is effective as of _____, 2018, and is made by and between the State of Hawaii, the City and County of Honolulu, the County of Kauai, the County of Maui, and the County of Hawaii (collectively Parties), to share the costs and expenses of services directly related to the Interest Arbitration hearing for Bargaining Unit 14.

Recitals

- A. The Bargaining Unit 14 collective bargaining agreement expired on June 30, 2017.
- B. Pursuant to § 89-11, Hawaii Revised Statutes, the Parties filed for impasse culminating in an arbitration decision.
- C. In order to prepare for the Interest Arbitration hearing for Bargaining Unit 14, various services, including the services of expert witnesses, arbitrators, and court reporters, may become necessary.
- D. The Attorney General's Office has advised that the procurement of the services of expert witnesses, arbitrators, and court reporters are exempt from the requirements of the Hawaii Public Procurement Code, Hawaii Revised Statutes Chapter 103D.
- E. The Attorney General's Office has advised that this IGA is exempt from the requirements of the Hawaii Public Procurement Code, Hawaii Revised Statutes Chapter 103D.

NOW THEREFORE, in consideration of the promises contained in this IGA, the Parties agree as follows:

- 1. The costs and expenses of services directly related to and incurred for the Interest Arbitration hearing for Bargaining Unit 14 shall be shared and equally divided among the Parties. Such services include those of expert witnesses, arbitrators, and court reporters.

2. This IGA shall represent the obligation of each Party to fund its share of the costs.

IN VIEW OF THE ABOVE, the Parties execute this IGA by their signatures, on the dates below, to be effective as of the date first above written.

STATE OF HAWAI'I

CITY & COUNTY OF HONOLULU

Department of Human Resources Development
Director

Department of Human Resources
Director

Department of the Attorney General
Deputy Attorney General

Department of the Corporation Counsel
Corporation Counsel

Department of Budget & Fiscal Services
Director

COUNTY OF HAWAI'I

COUNTY OF MAUI

Office of the Mayor
Managing Director

~~Department of Personnel Services~~ *Office of the Mayor*
~~Director~~ *Mayor*

Office of the Corporation Counsel
Corporation Counsel

Department of the Corporation Counsel
Corporation Counsel

COUNTY OF KAUAI

Department of Human Resources
Director

Office of the County Attorney
County Attorney