

ALAN M. ARAKAWA
Mayor



DAVID J. UNDERWOOD
Director

CYNTHIA M. RAZO-PORTER
Deputy Director

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2017 DEC -7 PM 3:06

COUNTY OF MAUI OFFICE OF THE MAYOR
DEPARTMENT OF PERSONNEL SERVICES

200 S. HIGH STREET * WAILUKU, MAUI, HAWAII 96793-2155
PHONE (808) 270-7850 * FAX (808) 270-7969

Website: www.mauicounty.gov/departments/Personnel • Email: personnel.services@mauicounty.gov

December 7, 2017

Honorable Alan M. Arakawa
Mayor, County of Maui
200 South High Street
Wailuku, HI 96793

Honorable Michael B. White, Chair
and Members of the Maui County Council
200 South High Street
Wailuku, HI 96793

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2017 DEC 11 AM 9:37
OFFICE OF THE
COUNTY CLERK

APPROVED FOR TRANSMITTAL

Mayor Date 12/10/17

Dear Chair White and Members:

SUBJECT: AUTHORIZING THE MAYOR TO ENTER INTO AN
INTERGOVERNMENTAL AGREEMENT

I am transmitting a proposed bill entitled, "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, AND THE COUNTY OF HAWAII TO SHARE THE COSTS AND EXPENSES OF SERVICES DIRECTLY RELATED TO THE INTEREST ARBITRATION HEARING FOR BARGAINING UNIT 14".

The purpose of the proposed bill is to authorize the County to enter into an intergovernmental agreement with 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.

Thank you for your attention to this matter. Please contact my office at (808) 270-7850 should you have any questions or concerns regarding the proposed bill.

Sincerely,

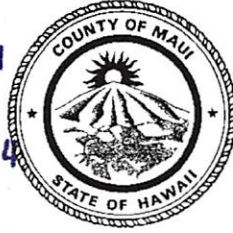
DAVID J. UNDERWOOD
Director of Personnel Services

DJU/crp
Enclosure

COUNTY COMMUNICATION NO. 18-18

ALAN M. ARAKAWA
Mayor

RECEIVED
COUNTY OF MAUI



2017 DEC -4 PM 3: 04

DEPARTMENT OF
PERSONNEL SERVICES

DEPARTMENT OF THE CORPORATION COUNSEL

COUNTY OF MAUI

200 SOUTH HIGH STREET, 3RD FLOOR

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Corporation Counsel

EDWARD S. KUSHI
First Deputy

LYDIA A. TODA
Risk Management Officer
Tel. No. (808) 270-7535
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LETTER OF TRANSMITTAL

Date: December 4, 2017
TO: David Underwood, Director
Dept. of Personnel Services
FROM: Gary Y. Murai, Deputy Corporation Counsel
RE: Intergovernmental Agreement

| ITEM | DESCRIPTION |
|----------|--|
| Original | Interest Arbitration Hearing for BU-04 |

() For Filing and Return
(X) For Review and Signature
() For your information
() Attached as requested
() Per our conversation
() For necessary action

Remarks:

For your signature and transmittal to Mayor.

ORDINANCE NO. _____

BILL NO. _____ (2017)

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, 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 (hereinafter, "Public Employer Group") and the Hawaii Government Employees Association, AFSCME, Local 152, AFL-CIO are at 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".

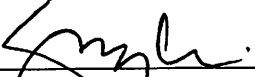
SECTION 2. Council authorization. Section 2.20.020, Maui County Code, provides that, unless authorized by ordinance, the Mayor shall not enter into any intergovernmental agreement or any amendment thereto which places a financial obligation upon the county or any department or agency thereof.

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
2017-10-30 IGA Ordinance

Inter-Governmental Agreement

This Inter-governmental Agreement (IGA), executed on the respective dates indicated below, is effective as of _____, 2017, 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 Hawaii Revised Statutes, § 89-11, 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

APPROVED AS TO FORM AND LEGALITY:

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

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