

**COUNCIL OF THE COUNTY OF MAUI**  
**GOVERNANCE, ETHICS, AND**  
**TRANSPARENCY COMMITTEE**

November 8, 2019

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

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

Chair and Members:

Your Governance, Ethics, and Transparency Committee, having met on October 15, 2019, makes reference to County Communication 19-342, from the Director of Housing and Human Concerns, transmitting a proposed resolution entitled "AUTHORIZING THE EMPLOYMENT OF THE LEGAL AID SOCIETY OF HAWAII AS SPECIAL COUNSEL FOR LEGAL SERVICES ADMINISTERED THROUGH THE OFFICE ON AGING."

The purpose of the proposed resolution is to authorize the employment of Legal Aid Society of Hawaii as special counsel to provide legal services to qualified individuals as administered through the Maui County Office on Aging and the Older Americans Act, for a total compensation not to exceed \$77,617 per year or \$155,234 total for two years.

The Director of Housing and Human Concerns said the Maui County Office on Aging is designated to receive Federal funding through the Older Americans Act for programs and services geared specifically for the kupuna population.

Your Committee notes the Legal Aid Society of Hawaii will provide legal services to qualified older individuals in accordance with the scope of work indicated in Exhibit "A" to the proposed resolution.

Your Committee further notes the contract is for a two-year period, from October 1, 2019 through September 30, 2021. Continuation of the contract is necessary to prevent a lapse of services.

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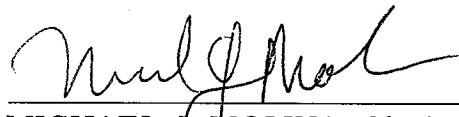
**Committee  
Report No.** \_\_\_\_\_

Your Committee voted 9-0 to recommend adoption of the proposed resolution and filing of the communication. Committee Chair Molina, Vice-Chair Rawlins-Fernandez, and members Hokama, Kama, King, Lee, Paltin, Sinenci, and Sugimura voted "aye."

Your Governance, Ethics, and Transparency Committee RECOMMENDS the following:

1. That Resolution \_\_\_\_\_, attached hereto, entitled "AUTHORIZING THE EMPLOYMENT OF THE LEGAL AID SOCIETY OF HAWAII AS SPECIAL COUNSEL FOR LEGAL SERVICES ADMINISTERED THROUGH THE OFFICE ON AGING," be ADOPTED; and
2. That County Communication 19-342 be FILED.

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

  
\_\_\_\_\_  
MICHAEL J. MOLINA, Chair

# Resolution

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

AUTHORIZING THE EMPLOYMENT OF THE LEGAL AID SOCIETY  
OF HAWAII AS SPECIAL COUNSEL FOR LEGAL SERVICES  
ADMINISTERED THROUGH THE OFFICE ON AGING

WHEREAS, the Department of Housing and Human Concerns ("Department") has acquired funds under the Older Americans Act and through the State of Hawaii, Department of Health, Executive Office on Aging ("Office on Aging") to provide legal assistance to qualified individuals in the County of Maui; and

WHEREAS, the Department is required by the Office on Aging to operate and administer said funds as a contract for services; and

WHEREAS, the Department sought a legal services provider through the bidding procurement process and Request for Proposal ("RFP") No. 18-19/P-93; and

WHEREAS, the Legal Aid Society of Hawaii desires to provide legal services pursuant to the scope of work indicated in RFP No. 18-19/P-93, attached hereto as Exhibit "A"; and

WHEREAS, pursuant to RFP No. 18-19/P-93, the Legal Aid Society of Hawaii was the successful bidder; and

WHEREAS, the Legal Aid Society of Hawaii's hourly attorney rate of \$50.00 per hour is well below market pricing; and

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WHEREAS, pursuant to Section 3-6(6) of the Revised Charter of the County of Maui (1983), as amended, the Council alone is authorized to retain or employ special counsel by resolution adopted by a two-thirds vote; and

WHEREAS, the Department finds that, because of the need for specialized expertise and services, there is a real necessity to retain the Legal Aid Society of Hawaii as special counsel to provide legal services to qualified individuals; and

WHEREAS, the Legal Aid Society of Hawaii shall conduct itself in a manner consistent with the scope of work and terms and conditions contained in RFP No. 18-19/P-93 and as may be imposed and required by the Contract and County General Terms and Conditions; now therefore,

**BE IT RESOLVED** by the Council of the County of Maui:

1. That the Council hereby authorizes the employment of the Legal Aid Society of Hawaii as special counsel to provide legal services to qualified individuals as administered through the Maui County Office on Aging and the Older Americans Act; and

2. That the total compensation, including any costs incurred for the employment of the Legal Aid Society of Hawaii as special counsel for two years shall not exceed \$77,617 per year (\$155,234 total), inclusive of

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all taxes, subject to the availability of Older Americans Act funds or similar, non-County funds; and

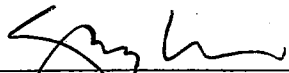
3. That the hourly attorney rate charged shall be \$50.00 per hour; and

4. That the expenditures of additional funds or substantial changes to the responsibilities of the parties shall require Council approval; and

5. That the contract period shall be from October 1, 2019 through September 30, 2021; and

6. That certified copies of this Resolution be transmitted to the Mayor, the Corporation Counsel, the Director of Housing and Human Concerns, and the Director of Finance.

APPROVED AS TO FORM AND LEGALITY



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GARY Y. MURAI  
Department of the Corporation Counsel  
County of Maui  
2019-1254  
2019-07-19 Resolution

## LEGAL ASSISTANCE

- a. **Definition:** *Provides legal advice, counseling and representation by an attorney or other person acting under the supervision of an attorney to adults 60 years or older or a grandparent or older individual (not child's parent) who is a relative caregiver, including a grandparent or step-grandparent of a child, or a relative of a child by blood, marriage, or adoption who is 55 years of age and older and:*

1. *Lives with the child;*
2. *Is the primary caregiver of the child because the biological or adoptive parents are unable or unwilling to serve as the primary caregiver of the child; and*
3. *Has a legal relationship to the child, such as legal custody or guardianship, or is raising the child informally.*

*A child is an individual who is not more than eighteen years of age or who is an individual with a disability, from age eighteen to fifty-nine. (Unit of service is one hour of activity; Fee for service paid in increments of 15 minutes).*

There are two components of this service:

**Legal Assistance for Older Adults** provides legal advice counseling and representation by an attorney or other person acting under the supervision of an attorney. Services will promote and secure the rights and entitlements of older persons in solving legal problems relating to a law, regulation, policy or rule.

**Legal Assistance Adoption/Guardianship Project** is directed specifically to grandparents or older individuals who are relative caregivers (a grandparent or step-grandparent of a child or a relative of a child by blood or marriage who is 55 years of age or older) to provide advice, counseling and representation by an attorney or other persons under the supervision of an attorney with caretaking issues including, but not limited to, adoptions and guardianships.

- b. **Minimum service activity requirements which may be included in the Service Authorization Plan according to individual situations and participants' preferences:**

- i. Develop a service plan for the provision of legal services;
- ii. Interview participants to identify legal problem;
- iii. Research the law pertaining to the problem;
- iv. Conduct case finding/investigation;
- v. Provide legal advice to the individual regarding the identified problem;
- vi. Draft legal documentation pertaining to the identified problem;

EXHIBIT "A"

- vii. Provide individual representation;
- viii. Provide legal advocacy for individuals regarding the identified problem;
- ix. Prepare legal advocacy educational materials for distribution to individuals;
- x. Provide community education designed to increase participants' awareness of legal assistance information relating to the prevention of legal problems and available resources; benefits and entitlements such as food stamps, medical assistance and SSI; elder rights and other related subjects;
- xi. As needed, provide services to the isolated, institutionalized and/or homebound individuals;
- xii. Specify and conduct outreach activities to ensure that services are targeted to reach the institutionalized, homebound and other older persons with greatest economic or social need, particularly low income minority.
- xiii. Legal Assistance will also be provided in the following areas:
  - a. Protective Services—including adult abuse, mental health commitment and guardianship;
  - b. Health Care—including nursing home care, hospital and other institutional care and health insurance;
  - c. Public Benefits—including Social Security, Medicare, public and subsidized housing;
  - d. Advance Health Care Directives and Power of Attorney;
  - e. Consumer Services—including consumer debts, consumer rights and protection;
  - f. Landlord/tenant problems—including substandard housing, evictions, and rent disputes;
  - i. Guardianships, both of older adult and of minors by older adults, including adoption;
  - j. Applicant may develop other priorities with prior approval from the MCOA.