

# REQUEST FOR LEGAL SERVICES

**Date:** January 10, 2018  
**From:** Yuki Lei K. Sugimura, Chair  
Policy, Economic Development, and Agriculture Committee

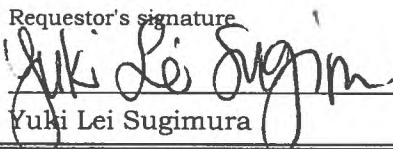
TRANSMITTAL

**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 revise the proposed bill as noted on the attached marked-up copy, and approve as to form and legality. Please also include the revised hard copy with your response.

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

Requestor's signature  Yuki Lei Sugimura	Contact Person <u>Shelly Espeleta</u> (Telephone Extension: <u>7134</u> )
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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 12, 2018, at 10 a.m.  
REASON: To meet the January 16, 2018 posting deadline for the January 22, 2018 PEA 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 \_\_\_\_\_

(Rev. 7/03)

pea:ltr:055acc01:ske

Attachment

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

BILL NO. \_\_\_\_\_ (201<sup>8</sup>~~7~~)

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 <sup>an</sup> 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".

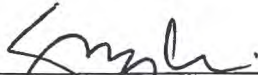
SECTION 2. Council authorization. Section 2.20.020, Maui County Code, provides that, unless authorized by ordinance, the Mayor shall not enter into any intergovernmental agreement or any amendment thereto which places a financial obligation upon the county or any department or agency thereof.

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:



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GARY Y. MURAI  
Deputy Corporation Counsel  
County of Maui  
LF LIT-5674  
2017-10-30 IGA Ordinance

*Intergovernmental*  
**Inter-Governmental Agreement**

This Inter~~g~~overnmental Agreement (IGA), executed on the respective dates indicated below, is effective as of \_\_\_\_\_, 201~~7~~<sup>8</sup>, 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~~x~~ 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