

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

June 19, 2020

**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 June 2, 2020, makes reference to County Communication 19-29, from Council Chair Kelly T. King, relating to litigation matters.

By correspondence dated May 12, 2020, the Department of the Corporation Counsel transmitted a proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENTS WITH THE STATE OF HAWAII, DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS, HAWAII OCCUPATIONAL SAFETY AND HEALTH DIVISION, FOR THE SETTLEMENT OF ALLEGED VIOLATIONS AT THE DEPARTMENT OF FIRE AND PUBLIC SAFETY."

The purpose of the proposed bill is to authorize the Mayor of the County of Maui to enter into an intergovernmental agreement with the State of Hawaii, Department of Labor and Industrial Relations, Hawaii Occupational Safety and Health Division, for the settlement of alleged violations of the Hawaii Occupational Safety and Health Standards by the Department of Fire and Public Safety, regarding training, use of protective equipment, and reporting of employee injuries in January 2020, as described in the respective Citation(s) and Notification of Penalty.

By correspondence dated May 14, 2020, the Department of the Corporation Counsel transmitted a revised 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, DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS, HAWAII OCCUPATIONAL SAFETY AND HEALTH DIVISION,

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

Page 2

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

FOR THE SETTLEMENT OF ALLEGED VIOLATIONS AT THE DEPARTMENT OF FIRE AND PUBLIC SAFETY,” approved as to form and legality, incorporating a nonsubstantive revision.

Your committee was briefed on the status of the case in regular session.

Your Committee voted to convene an executive meeting, closed to the public, to consult with legal counsel in accordance with Section 92-5(a)(4), Hawaii Revised Statutes.

Following the executive meeting, your Committee reconvened in regular session.

Based on the information received and the recommendation of the Department, your Committee voted 9-0 to recommend first reading of the revised proposed bill. Committee Chair Molina, Vice-Chair Rawlins-Fernandez, and members Hokama, Kama, King, Lee, Paltin, Sinenci, and Sugimura voted “aye.”

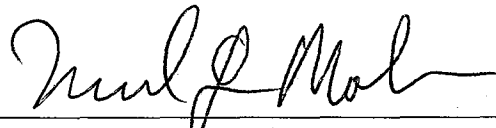
Your Governance, Ethics, and Transparency Committee RECOMMENDS that Bill \_\_\_\_\_ (2020), attached hereto, entitled “A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII, DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS, HAWAII OCCUPATIONAL SAFETY AND HEALTH DIVISION, FOR THE SETTLEMENT OF ALLEGED VIOLATIONS AT THE DEPARTMENT OF FIRE AND PUBLIC SAFETY,” be PASSED ON FIRST READING and be ORDERED TO PRINT.

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

Page 3

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

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



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

get:cr:20011(38)aa:jbf

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

BILL NO. \_\_\_\_\_ (2020)

A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII, DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS, HAWAII OCCUPATIONAL SAFETY AND HEALTH DIVISION, FOR THE SETTLEMENT OF ALLEGED VIOLATIONS AT THE DEPARTMENT OF FIRE AND PUBLIC SAFETY

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

SECTION 1. Purpose. The State of Hawaii, Department of Labor and Industrial Relations, Hawaii Occupational Safety and Health Division (“HIOSH”), alleged violations of the Hawaii Occupational Safety and Health Standards at the Department of Fire and Public Safety regarding the training, use of protective equipment, and reporting of employee injuries in January 2020 (“Alleged Violations”), as described in the respective Citation(s) and Notification of Penalty, attached hereto as Exhibit 1.

The County and HIOSH, to avoid incurring expenses and the uncertainty of an administrative and judicial determination of the parties’ respective rights and liabilities, will attempt to reach a resolution of the Alleged Violations by way of a negotiated settlement. The settlement terms, conditions, ramifications, and consequences will be discussed in a duly called executive meeting before the Governance, Ethics, and Transparency Committee.

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.


Section 3.16.020(B), Maui County Code, provides that any settlement in

excess of \$7,500 shall require Council authorization. The Department of the Corporation Counsel has requested authority to settle the Alleged Violations under the terms presented in executive session as described above.

SECTION 2. Authorization. The Council hereby approves settlement of the Alleged Violations under the terms set forth in an executive meeting before the Governance, Ethics, and Transparency Committee. The Council hereby authorizes the Mayor to execute an agreement reflecting those terms, all other necessary documents relating to the agreement, and any amendments thereto as may be imposed, and agreed to, by the Corporation Counsel. The Council further authorizes the Director of Finance to satisfy said settlement in these matters.

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

APPROVED AS TO FORM  
AND LEGALITY:

  
\_\_\_\_\_  
MOANA M. LUTEY  
Corporation Counsel  
County of Maui  
LF2020-0648