

ORDINANCE NO. _____

BILL NO. 90 (2021)

A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY
OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT
WITH THE OFFICE OF THE AUDITOR, STATE OF HAWAII, TO AUDIT THE
SCHEDULE OF ALLOCATIONS OF THE EMPLOYEES' RETIREMENT SYSTEM
OF THE STATE OF HAWAII

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

SECTION 1. Purpose. The audit of the County of Maui Comprehensive Annual Financial Report requires the Employees' Retirement System of the State of Hawaii (the "ERS") schedule of allocations be audited in accordance with Governmental Accounting Standards Board Statement No. 68. The auditor that has been contracted by the Office of the Auditor, State of Hawaii, to audit the ERS, is willing and able to audit the ERS schedule of allocations for the fiscal year ending June 30, 2021, and the fiscal years ending June 30, 2022 through 2026, as it relates to the County of Maui for a fee of \$1,700.00 for each fiscal year. The Memorandum of Understanding ("MOU"), attached hereto and incorporated herein as Exhibit "1," places a financial obligation on the County of Maui and is intended to be executed between the County of Maui and a State agency, the Office of the Auditor, State of Hawaii. The County of Maui Department of Finance and the County of Maui Auditor have reviewed terms of the MOU and find the terms and conditions therein to be acceptable.

SECTION 2. Council Authorization. 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, which would include the execution of the MOU, all other necessary documents relating to the MOU, and any amendments thereto.

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

APPROVED AS TO FORM AND LEGALITY:

/s/ Daniel J. Kunkel July 21, 2021

DANIEL J. KUNKEL
Department of the Corporation Counsel
County of Maui
2021-1091
2021-07-21 IGA

EXHIBIT "1"

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding ("MOU") is effective the _____ day of _____, 2021, by and between the EMPLOYEES' RETIREMENT SYSTEM OF THE STATE OF HAWAII ("ERS") and the COUNTY OF MAUI, 200 S. High Street, Kalana O Maui Building, 2nd Floor, Wailuku, HI 96793 ("Employer").

RECITALS

A. The following state or county government employers (the "employers") have requested assistance from the ERS in obtaining actuarial information to meet reporting requirements under Governmental Accounting Standards Board (GASB) Statement No. 68, "Accounting and Financial Reporting for Pensions" the employers' financial statements for the fiscal years ending June 30, 2021 and for fiscal years ending June 30, 2022 through 2026 (FYE 2022, 2023, 2024, 2025, 2026):

- i. State of Hawaii;
- ii. City and County of Honolulu;
- iii. County of Maui;
- iv. County of Kauai;
- v. County of Hawaii;
- vi. Board of Water Supply, City and County of Honolulu;
- vii. Department of Water Supply, County of Hawaii;
- viii. Department of Water, County of Kauai;
- ix. Honolulu Authority for Rapid Transportation; and
- x. University of Hawaii.

B. The ERS is willing to obtain the information ("GASB 68 Report") for the employers from the ERS's actuary, Gabriel, Roeder, Smith & Company ("GRS");

C. GRS has provided the GASB 68 Reports to the employers for a total cost to employers of \$17,000.00 for fiscal year ending 2021.

D. GRS is willing to provide GASB 68 Reports to the employers for FYEs 2022 through 2026 for a total fee of \$130,000.00 as stated in Paragraph No. 3, provided that GRS is able to directly bill the ERS for all of the GASB 68 Reports. The total fee of \$130,000.00 will be divided equally, on a yearly basis, among all of the employers listed above who enter into a MOU with the ERS to obtain their GASB 68 reports from GRS through the ERS for that year.

E. Because of concerns arising from federal tax-qualification requirements applicable to the ERS, the ERS is unable to advance the fees for the GASB 68 Reports.

F. GRS has agreed that it will, for each year, defer billing the ERS for the GASB 68 Report(s) until the ERS has received payment from all of the employers who receive the report.

G. The purpose of this MOU is to provide for payment by the Employer for the GASB 68 Report provided to it by GRS.

TERMS AND CONDITIONS

1. Upon execution of this MOU, the ERS will confirm receipt of the completed GASB 68 Report for Employer prepared for FYE 2021, as provided in the letter attached to this MOU as Exhibit "A" and incorporated herein by reference. After each of FYEs 2022, 2023, 2024, 2025, and 2026, ERS will request GRS to prepare a GASB 68 Report for Employer for that respective fiscal year, as provided in Exhibit "A".

2. The total cost to employers for the GASB 68 Reports for fiscal year 2021 is \$17,000.00. The cost per employer is \$1,700.00.

3. The cost to Employer for the GASB 68 Report will be per the table below; provided that all of the employers listed above enter into a MOU with the ERS to obtain their GASB 68 Report from GRS through the ERS. For any year in which not all of the employers listed above enter into an MOU with the ERS to obtain their GASB 68 report through the ERS, the cost to Employer for the GASB 68 Report will be equal to: Total Cost divided by the number of participating employers. If any employer requests additional services or information beyond what GRS understands to be customary or reasonable for a GASB 68 Report, the cost for that Employer may be higher.

Fiscal Year	Total Cost	Cost per Employer
2022	\$25,000	\$2,500
2023	\$25,500	\$2,550
2024	\$26,000	\$2,600
2025	\$26,500	\$2,650
2026	\$27,000	\$2,700
Total	\$130,000	\$13,000

4. Upon execution of this MOU, Employer will pay ERS \$1,700.00 for remittance to GRS for the FY2021 GASB 68 Report. For FYEs 2022, 2023, 2024, 2025, and 2026, ERS will invoice Employer for its applicable cost for the fiscal year per the table in Paragraph No. 3, and upon receipt of the invoice Employer will pay ERS the amount due for remittance to GRS for the respective fiscal year GASB 68 Report. If in any year fewer employers than expected enter into an MOU with the ERS to obtain their GASB 68 report from GRS through the ERS, the ERS will bill Employer for the difference between the expected Cost per Employer, and the cost of the GASB 68 Report as determined pursuant to Paragraph 3 (the "additional cost"). The ERS will bill Employer for any additional services or information requested by Employer after the ERS receives the bill from GRS for such additional services or information. Employer will pay ERS within thirty days from receipt of

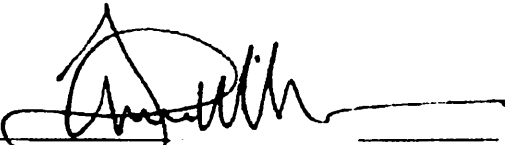
the bill from the ERS for any additional cost or for any additional services or information.
Upon receipt of payment from Employer, the ERS will promptly remit the payment to GRS.

5. This MOU may be amended or modified only by a written agreement signed by both parties.

IN WITNESS WHEREOF, the parties have executed this MOU as of the last date written below.

EMPLOYEES' RETIREMENT SYSTEM
OF THE STATE OF HAWAII

EMPLOYER:
COUNTY OF MAUI

By 
Thomas Williams
Executive Director

By _____
MICHAEL P. VICTORINO, MAYOR
COUNTY OF MAUI

DATE: _____

DATE: _____

APPROVED AS TO FORM:

Deputy Attorney General
State of Hawaii

By _____
SCOTT TERUYA, DIRECTOR OF FINANCE
COUNTY OF MAUI

DATE: _____

APPROVED AS TO FORM:

/s/ Daniel J. Kunkel

DEPUTY CORPORATION COUNSEL
COUNTY OF MAUI

DATE: July 21, 2021

DIGEST

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OF THE STATE OF HAWAII

This bill proposes to authorize the Mayor to enter into an intergovernmental agreement with the Office of the Auditor, State of Hawaii, to audit the schedule of allocations of the State Employees' Retirement System, as required by Governmental Accounting Standards Board Statement No. 68, for the Fiscal Years 2021, 2022 through 2026.


I, KATHY L. KAOHU, County Clerk of the County of Maui, State of Hawaii, DO
HEREBY CERTIFY that the foregoing BILL NO. 90 (2021) was passed on First Reading
by the Council of the County of Maui, State of Hawaii, on the 3rd day of September, 2021,
by the following vote:

AYES: Councilmembers Gabriel Johnson, Kelly T. King, Michael J. Molina,
Tamara A.M. Paltin, Shane M. Sinenci, Yuki Lei K. Sugimura,
Vice-Chair Keani N.W. Rawlins-Fernandez, and Chair Alice L. Lee.

NOES: None.

EXCUSED: Councilmember Natalie A. Kama.

DATED at Wailuku, Maui, Hawaii, this 7th of September, 2021.



KATHY L. KAOHU, COUNTY CLERK
COUNTY OF MAUI, STATE OF HAWAII

Copies of the foregoing Bill, in full, are on file in the Office of the County Clerk,
County of Maui, for use and examination by the public.