

COUNCIL OF THE COUNTY OF MAUI

POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE

December 6, 2013

**Committee
Report No.** _____

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

Chair and Members:

Your Policy and Intergovernmental Affairs Committee, having met on November 19, 2013, makes reference to the following:

1. County Communication 13-41, from Council Chair Gladys C. Baisa, regarding litigation matters; and
2. County Communication 13-328, from the Director of Housing and Human Concerns, transmitting a proposed resolution entitled "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL LEGAL AID SOCIETY OF HAWAII WITH RESPECT TO PROVIDING LEGAL SERVICES FOR THE DEPARTMENT OF HOUSING AND HUMAN CONCERNS".

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 the Department of Housing and Human Concerns as administered through the Maui County Office of Aging and the Older Americans Act Title III Federal Program. The total compensation to the Legal Aid Society of Hawaii for two years shall not exceed \$73,200 per year.

Your Committee notes pursuant to Chapter 3-6(6) of the Revised Charter of the County of Maui (1983), as amended ("Charter"), the Council alone is authorized to retain or employ special counsel by resolution adopted by a two-thirds vote of its members.

The Deputy Director of Housing and Human Concerns informed your Committee the Department has received funds for many years from the Older Americans Act Title III Federal Program to provide legal assistance to qualified elderly people. Historically, the Department has administered the program through a grant to the Legal Aid Society of Hawaii ("LASH"), whose attorneys provided the legal assistance. However, she

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explained, the State of Hawaii Office of Aging is now requiring the Department to administer the program as a contract for services. Therefore, the Department engaged in a procurement process for the contract. According to the Deputy Director, LASH was the only and winning bidder.

The First Deputy Corporation Counsel explained the LASH attorneys will not be representing any County employees. LASH attorneys will be representing individuals on behalf of the Department of Housing and Human Concerns who are qualified to receive legal assistance pursuant to the Older Americans Act Title III Federal Program.

Your Committee questioned whether Council approval is required because the legal services will not be provided to County employees. A Deputy Corporation Counsel noted Section 3-6(6) of the Charter gives the Council the power to retain or employ special counsel for any special matter presenting a real necessity for such employment. The Council's authority is not limited to employment of special counsel to represent County employees. Therefore, according to the Deputy, Council approval in accordance with Section 3-6(6) of the Charter is appropriate.

Your Committee revised the proposed resolution to clarify that LASH will provide legal services to qualified elderly people and not to County employees. Your Committee notes individuals qualified to receive legal assistance include adults 60 years of age or older, their caregivers, and grandparents raising grandchildren.

Your Committee is in receipt of a revised proposed resolution entitled "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL LEGAL AID SOCIETY OF HAWAII WITH RESPECT TO PROVIDING LEGAL SERVICES TO QUALIFIED ELDERLY PEOPLE FOR THE DEPARTMENT OF HOUSING AND HUMAN CONCERNS", incorporating your Committee's revisions.

Your Committee voted 7-0 to recommend adoption of the revised proposed resolution and filing of the communication. Committee Chair Hokama, Vice-Chair Couch, and members Baisa, Cochran, Crivello, Guzman, and White voted "aye". Committee members Carroll and Victorino were excused.

Your Policy and Intergovernmental Affairs Committee RECOMMENDS the following:

COUNCIL OF THE COUNTY OF MAUI
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1. That Resolution _____, as revised herein and attached hereto, entitled "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL LEGAL AID SOCIETY OF HAWAII WITH RESPECT TO PROVIDING LEGAL SERVICES TO QUALIFIED ELDERLY PEOPLE FOR THE DEPARTMENT OF HOUSING AND HUMAN CONCERNS", be ADOPTED; and
2. That County Communication 13-328 be FILED.

COUNCIL OF THE COUNTY OF MAUI
**POLICY AND INTERGOVERNMENTAL
AFFAIRS COMMITTEE**

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**Committee
Report No.** _____

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



G. RIKI HOKAMA, Chair

pia:cr:13001(31)aa:kmh

Resolution

No. _____

AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL
LEGAL AID SOCIETY OF HAWAII WITH RESPECT TO PROVIDING
LEGAL SERVICES TO QUALIFIED ELDERLY PEOPLE FOR THE
DEPARTMENT OF HOUSING AND HUMAN CONCERNS

WHEREAS, the Department of Housing and Human Concerns ("Department") has acquired funds from the Aging Title III Federal Program to provide legal assistance to qualified elderly people; and

WHEREAS, the Department has operated this program as a grant in the past but is now required by the State of Hawaii Office of Aging to operate and administer such funds as a contract for services; and

WHEREAS, the Department desires to provide this essential service to its elderly people of the County; and

WHEREAS, the Legal Aid Society of Hawaii desires to provide the services pursuant to the scope of work indicated in the RFP; and

WHEREAS, the Department procured such services of the Legal Aid Society of Hawaii through the bidding procurement process, RFP No. 12-13/P-67; and

WHEREAS, pursuant to RFP No. 12-13/P-67, Legal Aid Society of Hawaii was the only/winning bidder; and

Resolution No. _____

WHEREAS, pursuant to Chapter 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 Council 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 elderly people; 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. 12-13/P-67 and as may be imposed and required by the Contract and County General Terms and Conditions;

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 elderly people as administered through the Maui County Office of Aging and the Aging Title III Federal Program; 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 \$73,200.00 per year, (\$146,400.00 total), inclusive of all taxes, subject to the

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availability of Aging title III Federal Program funds or similar funds; and

3. That the hourly attorney rate charged is \$40.00 per hour, (well below market pricing); and


4. That a flat rate of \$160.00 per session will be charged for services provided in a group setting; and

5. That the funds for the two year contract period will be expended according to the Cost Proposal attached as Exhibit "A" and by reference to incorporated herein; and

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

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

APPROVED AS TO FORM
AND LEGALITY:



JEFFREY UEOKA
Deputy Corporation Counsel
County of Maui

VII-B


COST PROPOSAL

EXHIBIT " A "

BUDGET

(Period 07/01/2013 to 06/30/2015)


Applicant/Provider: Legal Aid Society of Hawaii
 RFP No.: MCOA 1213/P67
 Contract No. (As Applicable): _____

BUDGET CATEGORIES	Budget Request (a)	(b)	(c)	(d)
A. PERSONNEL COST				
1. Salaries	106,330			
2. Payroll Taxes & Assessments	11,324			
3. Fringe Benefits	14,888			
TOTAL PERSONNEL COST	132,540			
B. OTHER CURRENT EXPENSES				
1. Airfare, Inter-Island	1,000			
2. Airfare, Out-of-State	0			
3. Audit Services	0			
4. Contractual Services - Administrative	0			
5. Contractual Services - Subcontracts	0			
6. Insurance	1,200			
7. Lease/Rental of Equipment	600			
8. Lease/Rental of Motor Vehicle	0			
9. Lease/Rental of Space	7,800			
10. Mileage	580			
11. Postage, Freight & Delivery	0			
12. Publication & Printing	0			
13. Repair & Maintenance	0			
14. Staff Training	0			
15. Substance/Per Diem	0			
16. Supplies	1,100			
17. Telecommunication	600			
18. Transportation	0			
19. Utilities	0			
20. Outreach/Education	1,000			
21.				
22.				
23.				
TOTAL OTHER CURRENT EXPENSES	13,860			
C. EQUIPMENT PURCHASES				
D. MOTOR VEHICLE PURCHASES				
TOTAL (A+B+C+D)	146,400			
SOURCES OF FUNDING		Budget Prepared By:		
(a) Budget Request	146,400	Wayne Keawe 527-8080		
(b)		Name (Please type or print) Phone		
(c)		 3/8/2013 Signature of Authorized Official Date		
(d)		M. Nalani Fujimori, Executive Director Name and Title (Please type or print)		
TOTAL REVENUE	146,400	For State Agency Use Only		
		Signature of Reviewer Date		

ORGANIZATION - WIDE BUDGET BY SOURCE OF FUNDS

Period 7/1/2013 to 6/30/2015

Applicant/Provider: Legal Aid Society of Hawaii
 RFP No.: MCOA 1213/P87
 Contract No. (As Applicable): _____

BUDGET CATEGORIES	Total Funds (a)	State of Hawaii Funds (b)	Federal Funds (c)	Other Funds (d)
A. PERSONNEL COST				
1. Salaries	3,903,775	2,188,331	1,301,543	403,900
2. Payroll Taxes & Assessments	487,972	274,791	162,893	50,488
3. Fringe Benefits	546,528	307,766	182,216	56,546
TOTAL PERSONNEL COST	4,938,275	2,780,889	1,646,452	510,934
B. OTHER CURRENT EXPENSES				
1. Airfare, Inter-Island				
2. Airfare, Out-of-State				
3. Audit Services	24,530	11,760	12,770	
4. Contractual Services - Administrative				
5. Contractual Services - Subcontracts	829,776	218,405	401,371	10,000
6. Insurance	64,004	23,317	35,687	5,000
7. Lease/Rental of Equipment	68,086	22,572	34,524	9,000
8. Lease/Rental of Motor Vehicle				
9. Lease/Rental of Space	329,508	138,348	173,160	18,000
10. Mileage				
11. Postage, Freight & Delivery	50,304	17,647	26,657	8,000
12. Publication & Printing	40,104	13,133	18,971	8,000
13. Repair & Maintenance				
14. Staff Training				
15. Substance/Per Diem				
16. Supplies	42,600	17,647	18,953	8,000
17. Telecommunication	132,204	54,173	74,031	4,000
18. Transportation				
19. Utilities				
20. Litigation	50,244	20,930	23,314	8,000
21. Misc.	10,087	1,140	947	8,000
22. Board and Staff Travel	53,856	24,214	18,642	10,000
23.				
TOTAL OTHER CURRENT EXPENSES	1,493,313	563,286	838,027	92,000
C. EQUIPMENT PURCHASES	113,000			
D. MOTOR VEHICLE PURCHASES				
TOTAL (A+B+C+D)	6,544,588	3,344,175	2,484,479	602,934
SOURCES OF FUNDING		Budget Prepared By:		
(a) Total Funds	6,782,900	Wayne Keawe (808)627-8060 Name (Please type or print) Phone		
(b)		 3/8/2013 Signature of Authorized Official Date		
(c)		M. Nalani Fujimori Kaina Name and Title (Please type or print)		
(d)		For State Agency Use Only		
TOTAL REVENUE	6,782,900	Signature of Reviewer Date		

BUDGET JUSTIFICATION PERSONNEL - SALARIES AND WAGES

Applicant/Provider: Legal Aid Society of Hawaii

RFP No.: MCOA 1213-LA

Period: July 1, 2013 to June 30, 2014 Date Prepared: 03/08/2013

Contract No. (As Applicable): _____

POSITION NO.	POSITION TITLE	FULL TIME EQUIVALENT TO ORGANIZATION	ANNUAL SALARY INCLUDING BUDGETED SALARY INCREASE A	% OF TIME BUDGETED TO THE CONTRACT B	TOTAL SALARY BUDGETED TO THE CONTRACT A x B
1	Managing Attorney	1	75000.00	5.00%	3,750
2	Staff Attorney	1	55000.00	25.25%	13,880
3	Staff Attorney	1	46800.00	10.00%	4,680
4	Staff Paralegal	1	37700.00	35.00%	13,195
5	Staff Paralegal	1	31000.00	5.00%	1,550
6	Secretarial	1	28700.00	10.00%	2,870
7	Molokai Paralegal	1	42800.00	20.00%	8,560
8	Lanai Paralegal	1	23400.00	20.00%	4,680
					0
					0
					0
					0
					0
					53,165.00
JUSTIFICATION/COMMENTS:					

BUDGET JUSTIFICATION PERSONNEL - SALARIES AND WAGES

Applicant/Provider: Legal Aid Society of Hawaii
 RFP No.: MCOA 1213-LA Period: July 1, 2014 to June 30, 2014 Date Prepared: 03/08/2013
 Contract No. (As Applicable): _____

POSITION NO.	POSITION TITLE	FULL TIME EQUIVALENT TO ORGANIZATION	ANNUAL SALARY INCLUDING BUDGETED SALARY INCREASE A	% OF TIME BUDGETED TO THE CONTRACT B	TOTAL SALARY BUDGETED TO THE CONTRACT A x B
1	Managing Attorney	1	75800.00	4.95%	3,750
2	Staff Attorney	1	57200.00	24.27%	13,880
3	Staff Attorney	1	48600.00	9.63%	4,680
4	Staff Paralegal	1	38000.00	34.72%	13,195
5	Staff Paralegal	1	32200.00	4.81%	1,550
6	Secretarial	1	29300.00	9.80%	2,870
7	Molokai Paralegal	1	43200.00	19.81%	8,560
8	Lanai Paralegal	1	23700.00	19.75%	4,680
					0
					0
					0
					0
					0
					53,165.00
JUSTIFICATION/COMMENTS:					

**BUDGET JUSTIFICATION
PERSONNEL: PAYROLL TAXES, ASSESSMENTS, AND FRINGE BENEFITS**

Applicant/Provider: Legal Aid Society of Hawaii

RFP No.: MCOA 1213-LA Period: 7/1/2013 to 6/30/2014

Date Prepared: 03/8/2013

Contract No.: _____
(As Applicable)

TYPE	BASIS OF ASSESSMENTS OR FRINGE BENEFITS	% OF SALARY	TOTAL
PAYROLL TAXES & ASSESSMENTS:			
Social Security	7.65%	100.00%	\$ 4,067
Unemployment Insurance (Federal)	0.00%	100.00%	\$ -
Unemployment Insurance (State)	0.50%	100.00%	\$ 266
Worker's Compensation	1.40%	100.00%	\$ 744
Temporary Disability Insurance	1.10%	100.00%	\$ 585
SUBTOTAL:			\$ 5,662
FRINGE BENEFITS:			
Health Insurance	11%	100%	\$ 5,848
Retirement	3%	100	\$ 1,595
SUBTOTAL:			7,443
TOTAL:			13,105

JUSTIFICATION/COMMENTS:

**BUDGET JUSTIFICATION
PERSONNEL: PAYROLL TAXES, ASSESSMENTS, AND FRINGE BENEFITS**

Applicant/Provider: Legal Aid Society of Hawaii

RFP No.: MCOA 1213-LA Period: 7/1/2014 to 6/30/2015

Date Prepared: 03/8/2013

Contract No.: _____
(As Applicable)

TYPE	BASIS OF ASSESSMENTS OR FRINGE BENEFITS	% OF SALARY	TOTAL
PAYROLL TAXES & ASSESSMENTS:			
Social Security	7.65%	100.00%	\$ 4,067
Unemployment Insurance (Federal)	0.00%	100.00%	\$ -
Unemployment Insurance (State)	0.50%	100.00%	\$ 268
Worker's Compensation	1.40%	100.00%	\$ 744
Temporary Disability Insurance	1.10%	100.00%	\$ 585
SUBTOTAL:			\$ 5,662
FRINGE BENEFITS:			
Health Insurance	11%	100%	\$ 5,848
Retirement	3%	100	\$ 1,595
SUBTOTAL:			7,443
TOTAL:			13,105
JUSTIFICATION/COMMENTS:			

**BUDGET JUSTIFICATION
PROGRAM ACTIVITIES**

Applicant/Provider: Legal Aid Society of Hawaii

RFP No.: MCCA 1213/P67

Period: 7/1/2013 to 6/30/2014

Date Prepared: 3/8/2013

Contract No. : _____
(As Applicable)

DESCRIPTION	AMOUNT	JUSTIFICATION/COMMENTS
Airfare, Inter-island	500	Interisland air fare travel for Legal Aid staff attorney to Molokai to provide legal services
Insurance	600	Payment contribution to malpractice insurance needed for staff attorneys
Lease/Rental of Equipment	300	Xerox, fax machine and other office equipment needed for client assistance
Lease/Rental of Space	3,900	Payment of Maui County office space, determined by the percentage of time staff work under this grant and total rental costs
Mileage	280	509 miles X .55 per mile
Supplies	550	Paper, pens and other office supplies needed to assist clients
Telecommunication	300	Telephone costs
Outreach/Education includes but not limited to staff presentations to Senior Clubs, Annual Senior Fair, Caregiver's Conference and other such venues	500	Funds used to facilitate outreaches as per FRP services specification
Form SPO-H-206H (Effective 10/01/98)	Total:	
	6,930	

**BUDGET JUSTIFICATION
PROGRAM ACTIVITIES**

Applicant/Provider: Legal Aid Society of Hawaii

RFP No.: MCCA 1213/P67

Period: 7/1/2014 to 6/30/2015

Date Prepared: 3/8/2013

Contract No. : _____
(As Applicable)

DESCRIPTION	AMOUNT	JUSTIFICATION/COMMENTS
Airfare, Inter-island	500	Interisland air fare travel for Legal Aid staff attorney to Molokai to provide legal services
Insurance	600	Payment contribution to malpractice insurance needed for staff attorneys
Lease/Rental of Equipment	300	Xerox, fax machine and other office equipment needed for client assistance
Lease/Rental of Space	3,900	Payment of Maui County office space, determined by the percentage of time staff work under this grant and total rental costs
Mileage	280	509 miles X .55 per mile
Supplies	550	Paper, pens and other office supplies needed to assist clients
Telecommunication	300	Telephone costs
Outreach/Education includes but not limited to staff presentations to Senior Clubs, Annual Senior Fair, Caregiver's Conference and other such venues	500	Funds used to facilitate outreaches as per FRP services specification
Form SPO-H-206H (Effective 10/01/98)	Total:	
	6,930	