

REQUEST FOR LEGAL SERVICES

D a t e: October 11, 2024
F r o m: Keani Rawlins-Fernandez, Chair
Efficiency Solutions and Circular Systems Committee

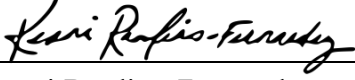
TRANSMITTAL

Memo to: DEPARTMENT OF THE CORPORATION COUNSEL
Attention: Andrew Nelson, Esq.

Subject: BILL 117 (2022), RELATING TO AUTHORIZING THE MAYOR TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE UNIVERSITY OF HAWAII FOR THE PROVISION OF HAWAIIAN LANGUAGE AND HAWAIIAN STUDIES WORKSHOPS FOR COUNTY EMPLOYEES (ESCS-2)

Background Data: Please opine on the attached questions relating to Bill 117.

Work Requested: FOR APPROVAL AS TO FORM AND LEGALITY
 OTHER: Opinion.

Requestor's signature  Keani Rawlins-Fernandez	Contact Person <u>Ellen McKinley</u> (Telephone Extension: <u>7661</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): October 18, 2024
REASON: For discussion at the ESCS Committee meeting of October 21, 2024.

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)

escs:ltr:002acc01:ebm

Attachment

May I please request you provide a response to the following:

1. Does the intergovernmental agreement between the County and the University of Hawai'i create a financial obligation requiring Council approval under Chapter 2.20, Maui County Code?
2. Was Council approval required prior to the execution of the Memorandum of Agreement attached to Bill 117? If so, why was the Memorandum of Agreement already signed and approved by the various parties prior to this matter being considered by the Council?

May I further request you transmit your written response **by October 18, 2024**, and that a representative from the Department of the Corporation Counsel attend the 1:30 p.m. ESCS Committee meeting on October 21, 2024, to speak to the legal opinion.

escs:ltr:002acc01:ebm

ORDINANCE NO. _____

BILL NO. 117 (2022)

A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE UNIVERSITY OF HAWAII FOR THE PROVISION OF HAWAIIAN LANGUAGE AND HAWAIIAN STUDIES WORKSHOPS FOR EMPLOYEES OF THE COUNTY OF MAUI

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

SECTION 1. Purpose. The County of Maui (the "County") wishes to enter into a contract with the University of Hawaii, an agency of the State of Hawaii, for the purpose of providing workshops for County employees geared towards building an understanding of a more inclusive and complete history of Maui through a Hawaiian lens, as more fully described in the Memorandum of Agreement between the County and the University of Hawaii (the "MOA") attached hereto and incorporated herein as Exhibit "1".

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 2. Council Authorization. The Council of the County of Maui hereby authorizes the Mayor or his authorized representative to enter into an intergovernmental agreement with the University of Hawaii, including execution of all other necessary documents relating to the MOA, and any amendments thereto.

SECTION 3. Effective date. This ordinance takes effect on approval.

APPROVED AS TO FORM
AND LEGALITY:

Stephanie Chen

STEPHANIE M. CHEN
Deputy Corporation Counsel
County of Maui
LF2022-0784
2022-06-03 C7670 Auth IGA

Exhibit "1"

MEMORANDUM OF AGREEMENT BETWEEN THE COUNTY OF MAUI AND UNIVERSITY OF HAWAII

This Memorandum of Agreement ("MOA") is effective as of the last date of the signatures of the parties shown hereafter, between the COUNTY OF MAUI (hereinafter "County") and the UNIVERSITY OF HAWAII, for the benefit of the UNIVERSITY OF HAWAII MAUI COLLEGE (hereinafter "UH").

1. UH, through the University of Hawaii Maui College, agrees to provide workshops for County employees geared toward building an understanding of a more inclusive and complete history of Maui through a Hawaiian lens, as described in Exhibit A.
2. The schedule and payment terms for such workshops will be as mutually agreed in writing. Workshops may be conducted using video technology and may be recorded and made available to County employees via the County's electronic training platform at no additional cost to the County. The County will not distribute or otherwise make available the electronically recorded workshops to the general public.
3. Either party may cancel this Agreement upon written notice.
4. This Amendment may be executed in two or more counterparts, each of which shall be deemed to be an original, but all of which shall constitute one and the same instrument. The parties agree that they may utilize and shall be bound by their electronic signatures, pursuant to Chapter 489E, Hawaii Revised Statutes.

[REMAINDER OF PAGE LEFT INTENTIONALLY BLANK]

IN WITNESS WHEREOF, the parties hereto have executed the Memorandum of Agreement on the dates below.

UNIVERSITY OF HAWAII


By Lui K. Hokoana
(Signature)

Lui K. Hokoana
(Print Name)

Its Chancellor, UH Maui College
(Title)

Date 2, Aug 2021

APPROVAL RECOMMENDED:


Digitally signed by Sandy Baz
Date: 2021.08.16 11:05:29 -10'00'
SANANDA K. BAZ
Managing Director

APPROVED AS TO FORM
AND LEGALITY:

s/s Richelle Thomson
Deputy Corporation Counsel
County of Maui

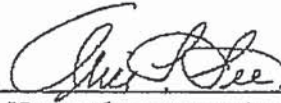
COUNTY OF MAUI:

By Michael P. Victorino
MICHAEL P. VICTORINO
Its Mayor

EXHIBIT "A"

WORKSHOP	TOPIC	LENGTH OF WORKSHOP
Introduction to Hawaiian Language	Brief history of the development of the Hawaiian language and introduction to alphabet and pronunciation.	1.5 hours
Basic Hawaiian	Overview of alphabet and pronunciation with practical applications. Introduction to common vocabulary and phrases.	1.5 hours
Mapping Maui	Survey of traditional Maui land divisions.	1.5 hours
Maui Place Names	Survey of significant places and place names.	1.5 hours
Hawaiian History 1	Survey of the histories of Hawaiian migrations to Hawaii and other Pacific relationships.	1.5 hours
Hawaiian History 2	Survey of Maui history and chiefly genealogies.	1.5 hours
Hawaiian History 3	Survey of Maui history through the Kingdom period with an emphasis on the development of government offices.	1.5 hours
Hawaiian History 4	Survey of Maui history during the Republic and Territorial periods with an emphasis on the development of government offices.	1.5 hours
Hawaiian History 5	Survey of contemporary Hawaiian issues specific to Maui.	1.5 hours

INTRODUCED BY:

A handwritten signature in cursive script, appearing to read "Mr. Lee", is written above a horizontal line.

Upon the request of the Mayor.

ESCS Committee

From: ESCS Committee
Sent: Friday, October 11, 2024 2:49 PM
To: CorpCounselRFLS@co.maui.hi.us
Cc: ESCS Committee
Subject: (RUSH) OCS - ESCS - Bill 117 (2022), IGA with UH for the Provision of Hawaiian Language/Studies Workshops for County Employees
Attachments: 002acc01.pdf
Importance: High

Please see attached RFLS.

Thank you,
ESCS Committee Staff