

RICHARD T. BISSEN, JR.
Mayor

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**DEPARTMENT OF THE CORPORATION COUNSEL
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January 20, 2026

Yuki Lei Sugimura, Chair
Budget, Finance, and Economic Development Committee
Maui County Council
Kalana O Maui Building
200 South High Street, 8th Floor
Wailuku, Hawaii 96793

Re: BFED-4 Relating to "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE FEDERAL BUREAU OF INVESTIGATION FOR A JOINT TERRORISM TASK FORCE."

Dear Chair Sugimura:

Thank you for your December 12, 2025 request for legal services.

When this Memorandum of Understanding (MOU) was originally reviewed by the department of the Corporation Counsel, our department interpreted it as creating a financial obligation on the County, and therefore, transmitted an Ordinance requesting Council's approval pursuant to Maui County Code Chapter 2.20. As you note in the letter dated November 3, 2025 from our department to the BFED Committee, we had later advised the BFED committee that the MOU did not place a financial burden on the County. This change in our interpretation was due in part to the fact that the term "financial obligation" is not defined in the Maui County Code, and our department finds it sometimes challenging to determine whether in fact, a financial obligation is created by an MOU.

Since our department's November 3, 2025 correspondence, the Department of Finance has opined that there is a potential financial obligation to the County if the Department enters into the MOU. Therefore, our department is rescinding its position that there is no financial obligation and requesting that this matter be brought back up for consideration by the BFED Committee and the full Council.

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Our department suggests that you request personnel from both the Maui Police Department and the Department of Finance attend any future committee meeting where this matter is discussed to provide further comment.

Additionally, the Council should entertain an amendment to MCC Chapter 2.20 to define "financial obligation" so it is clearer in the future when MOUs should be reviewed by Council, and when they should remain within the purview of the departments and the Mayor's office. Our department is happy to assist with any suggested amendments.

Please contact us if you have any further questions.

Sincerely,



THOMAS KOLBE
Deputy Corporation Counsel

BFED Committee

From: Thomas W. Kolbe <Thomas.Kolbe@co.maui.hi.us>
Sent: Tuesday, January 20, 2026 9:47 AM
To: BFED Committee; Kirsten E. Szabo; Peter A. Hanano
Cc: Melody A. Andrion; Thomas W. Kolbe
Subject: BFED-4 (JTTF)
Attachments: 2026-01-20 ltr to BFED Chair re JTTF IGA.pdf

Please see attached letter.