

REQUEST FOR LEGAL SERVICES

Date: February 4, 2022
From: Michael J. Molina, Chair
Government Relations, Ethics, and Transparency Committee


TRANSMITTAL

Memo to: DEPARTMENT OF THE CORPORATION COUNSEL
Attention: Keola Whittaker, Esq.

Subject: AUTHORIZING THE MAYOR TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT HOMELAND SECURITY INVESTIGATIONS (GREAT-42)

Background Data: Please submit response to great.committee@mauicounty.us with a reference to GREAT-42.

Work Requested: FOR APPROVAL AS TO FORM AND LEGALITY
 OTHER: Please provide a response to the following: (1) Please confirm whether the matter is time-sensitive; (2) Please comment on whether an ordinance similar to San Francisco's City and County of Refuge ordinance which generally prohibits city employees from using city funds or resources to assist ICE in the enforcement of Federal immigration law unless such assistance is required by Federal or State law is necessary in conjunction with the agreement; (3) Please confirm that the agreement is limited to ICE/HSI and does not extend to other directorates or divisions of ICE; (4) Please explain language in the Memorandum of Understanding ("MOU") relating to "abuse of HSI cross-designation authority"; (5) Please explain language in the MOU, paragraph three, relating to "customs officers are authorized to enforce the full range of federal offenses" and "HSI is not conveying the authority to enforce administrative violations of immigration law"; and (6) Please comment on whether the proposed resolution can be amended to less prominently reference "ICE."

Requestor's signature  Michael J. Molina	Contact Person <u>Shelly Espeleta</u> (Telephone Extension: <u>7134</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): _____

REASON: _____

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)

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