

REQUEST FOR LEGAL SERVICES

D a t e: August 13, 2025

F r o m: Yuki Lei K. Sugimura, Chair

Budget, Finance, and Economic Development Committee

TRANSMITTAL

Memo to:

DEPARTMENT OF THE CORPORATION COUNSEL

Attention: Nāhulu Nunokawa, Esq.

Subject: BILL 90 (2025), AUTHORIZING THE MAYOR TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE COUNTY OF HAWAII (BFED-2)

Background Data: Please see revised Bill 90, CD1 (2025). Please submit your response to bfed.committee@mauicounty.us with a reference to BFED-2.

Work Requested: ☒ FOR APPROVAL AS TO FORM AND LEGALITY

☐ OTHER:

<p>Requestor's signature</p> <p></p> <p>Yuki Lei K. Sugimura, Chair</p>	<p>Contact Person</p> <p><u>Kirsten Szabo or Peter Hanano</u></p> <p>(Telephone Extension: <u>7662 or 8007, respectively</u>)</p>
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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): August 27, 2025

REASON: For posting on the September 8, 2025 Council agenda.

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): When reviewing the agreement in Exhibit "1," please consider modifying the items highlighted in yellow.

DEPARTMENT OF THE CORPORATION COUNSEL

Date _____

By _____

(Rev. 7/03)

bfed:ltr:002acc01:kes

Attachments

ORDINANCE NO. _____

BILL NO. **90, CD1 (2025)**

A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE COUNTY OF HAWAI‘I

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

SECTION 1. The County of Maui and the County of Hawai‘i intend to enter into an intergovernmental agreement, as described in the Inter-Departmental Assignment Agreement attached as Exhibit “1.”

Section 2.20.020, Maui County Code, provides, “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. Under Section 2.20.020, Maui County Code, the Council authorizes the Mayor to execute the Inter-Departmental Assignment Agreement and any amendments consistent with the purpose and scope of the agreement that do not increase the County’s financial obligation or the agreement’s duration.

SECTION 3. This Ordinance takes effect on approval.

APPROVED AS TO FORM AND LEGALITY:

NĀHULU NUNOKAWA
Department of the Corporation Counsel
County of Maui
bfed:ltr:002acc01_Attachment01_Bill 90 (2025)

EXHIBIT "1"

INTER-DEPARTMENTAL ASSIGNMENT AGREEMENT

THIS AGREEMENT made this ____ day of ____, 2025, by and between the Department of Finance, Vehicle Registration & Licensing Division, County of Hawai'i, (hereinafter "VRL" or "Receiving Agency") and the Department of Finance, County of Maui (hereinafter "FIN" or "Sending Agency") regarding an inter-departmental assignment of an FIN employee(s) to be determined (hereinafter referred to as "FIN personnel"):

WITNESSETH THAT:

WHEREAS, Hawaii Revised Statutes § 78-27 provides that with the approval of the respective employer, a governmental unit of the State of Hawaii may participate in any program of temporary inter- or intra-departmental assignments or exchanges of employees as a sending or receiving agency;

WHEREAS, VRL desires the services of the FIN personnel for the purpose of conducting road test examinations for commercial driver's license applicants, and FIN has agreed to the temporary assignment of FIN personnel for this purpose, and VRL has agreed to pay and/or reimburse FIN for one hundred percent (100%) of the costs and fees associated with the temporary assignment of FIN personnel for this purpose; and

WHEREAS, this employment is a temporary inter-departmental assignment and this employment is made under the provisions of Hawaii Revised Statutes § 78-27(a-d).

NOW, THEREFORE, FIN and VRL mutually agree as follows:

1. VRL and FIN agree that FIN personnel shall be on temporary interdepartmental assignment to VRL effective upon execution of this agreement until

June 30, 2025, or until termination of this agreement by the VRL or FIN in accordance with this agreement.

2. The FIN personnel are to carry out and observe all lawful instructions and orders issued by the appointing authority or designee relative to employment.

3. The FIN personnel **shall** perform all of the work under the supervision of an immediate supervisor in FIN, Supervising Driver License Examiner, or their designees.

4. This agreement may be terminated by VRL or FIN, provided that written notice of such termination be sent within ten (10) days before such termination. VRL and FIN reserve the right to terminate this agreement immediately without written notification after the agency Director verbally communicated said intent to the other agency Director.

5. This agreement may be amended at any time by the mutual agreement of VRL and FIN.

6. This employment will be subject to all laws, ordinances, and rules and regulations having the effect of law governing employment of public employees; and

7. Any and all collective bargaining agreements pertinent to FIN personnel's regular position of Driver License Examiner II as a member of Hawai'i Government Employee Association (HGEA) bargaining Unit 3 **shall** apply, including but not limited to salary and benefits.

8. Nothing in this agreement is intended to conflict with current law, regulation, policy, procedure, or directive of VRL or FIN. If a term of this agreement is

inconsistent with such authority, that term shall be invalid, but the remaining terms and conditions of this agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused their hands to be set on this Inter-Departmental Assignment Agreement as of the date and year first written above.

COUNTY OF HAWAI'I

By _____
DIANE NAKAGAWA
Director
Department of Finance
County of Hawai'i

COUNTY OF MAUI

By _____
MARCY MARTIN
Director of Finance
County of Maui

Approved as to legality and form:

Deputy Corporation Counsel
County of Hawai'i

Deputy Corporation Counsel
County of Maui

By _____
RICHARD T. BISSEN
Mayor
County of Maui

BFED Committee

From: BFED Committee
Sent: Wednesday, August 13, 2025 5:38 PM
To: corpcounselrfls@co.maui.hi.us
Cc: BFED Committee
Subject: (OCS) (BFED-2); reply by 8/27/25
Attachments: 002acc01 signed.pdf