

REQUEST FOR LEGAL SERVICES

RECEIVED

By Corporation Counsel at 3:40 pm, Sep 11, 2025

Date: September 11, 2025

From: Tamara Paltin, Chair

Disaster Recovery, International Affairs, and Planning Committee

TRANSMITTAL


Memo to: DEPARTMENT OF THE CORPORATION COUNSEL
Attention: Michael J. Hopper, Esq., or Thomas Kolbe, Esq.

Subject: BILL 121 (2025), INTERGOVERNMENTAL AGREEMENT WITH THE HAWAI'I ARMY NATIONAL GUARD FOR INTRUSION DETECTION SYSTEM ALARM RESPONSE PROCEDURES (DRIP-15)

Background Data: Bill 121 does not appear to place a financial obligation on the County that would trigger the requirement of Council authorization under Section 2.20.020, Maui County Code. Please opine if the Department views the agreement as imposing a financial obligation on the County, and if so, what the financial obligation consists of. Please submit your response to drip.committee@mauicounty.us with a reference to DRIP-15.

Work Requested: ☐ FOR APPROVAL AS TO FORM AND LEGALITY

☒ OTHER: Legal opinion.

Requestor's signature  Tamara Paltin, Chair	Contact Person <u>Jarret Pascual or Carla Nakata</u> (Telephone Extension: <u>7141 or 5519, respectively</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): September 23, 2025

REASON: For consideration at the September 24, 2025, DRIP Committee meeting.

FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO: <u>MJH/TWK</u>	ASSIGNMENT NO. <u>2025-0175</u>	BY: <u>maa</u>
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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): _____

See attached Letter dated 09/12/25 to Tamara Paltin, Chair of the DRIP Committee.

DEPARTMENT OF THE CORPORATION COUNSEL

Date 09/12/2025

By TWK

(Rev. 7/03)

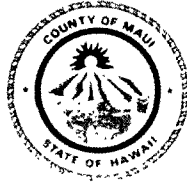
drip:ltr:015acc01:jpp
Attachment

RICHARD T. BISSEN, JR.
Mayor

VICTORIA J. TAKAYESU
Corporation Counsel

MIMI DESJARDINS
First Deputy

LYDIA A. TODA
Risk Management Officer



DEPARTMENT OF THE CORPORATION COUNSEL
COUNTY OF MAUI
200 SOUTH HIGH STREET, 3RD FLOOR
WAILUKU, MAUI, HAWAII 96793
EMAIL: CORPCOUN@MAUICOUNTY.GOV
TELEPHONE: (808)270-7740

September 12, 2025

Tamara Paltin, Chair
Disaster Recovery, International Affairs,
and Planning Committee
Maui County Council
Kalana O Maui Building
200 South High Street, 8th Floor
Wailuku, Hawaii 96793

Re: DRIP-15 Relating to "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE MAUI POLICE DEPARTMENT AND THE HAWAII ARMY NATIONAL GUARD FOR THE INTRUSION DETECTION SYSTEM ALARM RESPONSE PROCEDURES."

Dear Chair Paltin:

This memorandum responds to the following inquiry:

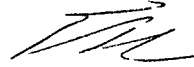
Does the proposed intergovernmental agreement between the County of Maui's Police Department and the Hawai'i Army National Guard regarding Intrusion Detection System Alarm Response Procedures place any financial obligation on the County that would require Council authorization under Section 2.20.020, Maui County Code?

RESPONSE: No. I have reviewed the proposed intergovernmental agreement ("IGA") between the County of Maui's Police Department and the Hawai'i Army National Guard regarding Intrusion Detection System Alarm Response Procedures. I have also conferred with the Police Department regarding any financial obligations on the County. It is our office's position that the IGA does not place any financial obligations on the County and therefore does not require Council authorization under Section 2.20.020, Maui County Code.

Tamara Paltin, Chair
Disaster Recovery, International Affairs,
and Planning Committee
Maui County Council
September 12, 2025
Page | 2

Please contact us if you have any further questions.

Sincerely,



THOMAS KOLBE
Deputy Corporation Counsel

ORDINANCE NO. _____

BILL NO. 121 (2025)

**A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN
INTERGOVERNMENTAL AGREEMENT BETWEEN THE MAUI POLICE
DEPARTMENT AND THE HAWAII ARMY NATIONAL GUARD FOR THE
INTRUSION DETECTION SYSTEM ALARM RESPONSE PROCEDURES**

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

SECTION 1. The County of Maui and the Hawai'i Army National Guard seek to enter into an agreement regarding the Intrusion Detection System, as described in the Memorandum of Understanding 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."

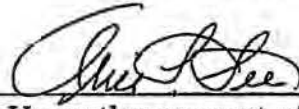
SECTION 2. Under Section 2.20.020, Maui County Code, the Council authorizes the Mayor, or the Mayor's authorized representative, to execute the Memorandum of Understanding and any amendments consistent with the purpose and scope of the Memorandum of Understanding that do not increase the County's financial obligation or the agreement's duration.

SECTION 3. This Ordinance takes effect on approval.

APPROVED AS TO FORM AND LEGALITY:

/s/ Thomas Kolbe
THOMAS KOLBE
Department of the Corporation Counsel
County of Maui
LF 2025-1313

INTRODUCED BY:

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

Upon the request of the Mayor.

EXHIBIT 1

CUI

MEMORANDUM OF UNDERSTANDING
BETWEEN
CHIEF OF POLICE - MAUI POLICE DEPARTMENT
AND
COMMANDER - HAWAII ARMY NATIONAL GUARD

SUBJECT: Intrusion Detection System (IDS) Alarm Response Procedures – Hawaii Army National Guard (HIARNG) and Maui Police Department (MPD)

1. References:

- a. AR 190-11 (Physical Security of Arms, Ammunition, and Explosives)
- b. DODM 5200.01 (DoD Information Security Program), 24 February 25

2. Purpose: This Memorandum of Understanding (MOU) establishes procedures for coordinated responses to IDS alarms at HIARNG facilities, enhancing security and operational readiness through partnership with the MPD.

3. Understanding: HIARNG and MPD agree to the following:

a. MPD Response: MPD will respond to all IDS alarms at HIARNG facilities within 15 minutes, providing immediate law enforcement support to secure personnel and assets. MPD's response will occur after initial dispatch and assessment by the HIARNG Contracted Security Guard Force.

b. MPD will respond to all IDS alarms at HIARNG facilities within 15 minutes, providing immediate law enforcement support to secure personnel and assets.

c. HIARNG Support: HIARNG authorizes MPD officers access to HIARNG parking lots for administrative duties during patrols.

d. Coordination: Both HIARNG and MPD will maintain open communication to resolve issues and optimize security procedures.

Controlled by: G3, HIARNG CUI Category: PHYSEC/OPSEC Distribution Control: B POC: MAJ Floyd Feliciano floyd.i.feliciano.mil@army.mil (808 844-6322)
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CUI

CUI

SUBJECT: Intrusion Detection System (IDS) Alarm Response Procedures – Hawai'i Army National Guard (HIARNG) and Maui Police Department (MPD)

4. General Provisions:

a. Personnel: Each party is responsible for all costs of its personnel, including pay and benefits, support, and travel. Each party is responsible for supervision and management of its personnel.

b. Annual Review: HIARNG and MPD will conduct an annual review of this MOU to ensure continued effectiveness.

c. Points of Contact: The following Points of Contact (POC) will be used by the Parties to communicate in the implementation of this MOU. Each Party may change its POC upon reasonable notice to the other Party.

HING Understanding POC: BINGHAM L. TUISAMATATELE
Rank, Position, Phone: LTC, HIARNG G3, (808) 672-1406
Email: bingham.l.tuisamatatele2.mil@army.mil

MPD Understanding POC:
Rank, Position, Phone:
Email:

d. Correspondence: All correspondence to be sent and notices to be given pursuant to the MOU will be addressed to the above POCs.

e. Modification of Understanding: This MOU may only be modified by the written understanding of the Parties, duly signed by their authorized representatives.

f. Dispute Resolution: Any disputes relating to this MOU will, subject to any applicable law, Executive Order, Directive, or Instruction, be resolved by consultation between the Parties or in accordance with DoDI 4000.19.

g. Termination of Understanding: This MOU may be terminated by either Party by giving at least 30 days written notice to the other Party. The MOU may also be terminated at any time upon the mutual written consent of the Parties.

h. Transferability: This MOU is not transferable except with the written consent of the Parties.

i. Entire Understanding: It is expressly understood and agreed that this MOU embodies the entire understanding between the Parties regarding the MOU's subject matter.

j. Effective Date: This MOU is effective beginning on the day after the last Party signs.

CUI

SUBJECT: Intrusion Detection System (IDS) Alarm Response Procedures – Hawai'i Army National Guard (HIARNG) and Maui Police Department (MPD)

k. Expiration Date: This MOU expires one year from the date of the last Party signature.

l. Local Implementation: Individual HIARNG facilities and MPD Districts may develop supplemental understandings to address specific site requirements for IDS alarm response

APPROVAL RECOMMENDED:



JOHN RELLETIER
Maui Police Department
Chief of Police
Date:

STEPHEN F. LOGAN
Major General, HING
Adjutant General
Date:

APPROVED AS TO FORM AND
LEGALITY:

THOMAS KOLBE
Deputy Corporation Counsel

COUNTY OF MAUI:

RICHARD T. BISSEN, Mayor

DRIP Committee

From: Melody A. Andrion <Melody.Andrion@co.maui.hi.us>
Sent: Tuesday, September 16, 2025 2:30 PM
To: DRIP Committee
Cc: Jarret P. Pascual; Carla M. Nakata; Thomas W. Kolbe; michael.hopper@co.maui.hi.us
Subject: DRIP-15 Bill 121 (2025) IGA HI Army National Guard for Intrusion Detection System
Attachments: DRIP-15 2025-09-12 RFLS Closing Bill 121 IGA HI Army National Guard.pdf

Importance: High

See attached closing of RFLS received on 09/11/2025 regarding the subject matter response from Deputy Thomas Kolbe. Thanks!

Need by 09/23/25 for consideration at the 09/24/25 DRIP Committee meeting.

NOTICE: The information in this transmittal (including attachments, if any) is privileged and confidential and is intended only for the recipient(s) listed above. Any review, use, disclosure, distribution or copying of this transmittal is prohibited except by or on behalf of, the intended recipient. If you have received this transmittal in error, please notify me immediately by reply email and destroy all copies of the transmittal. Thank you.