

# REQUEST FOR LEGAL SERVICES

**Date:** April 15, 2024  
**From:** Yuki Lei K. Sugimura, Chair  
Budget, Finance, and Economic Development Committee

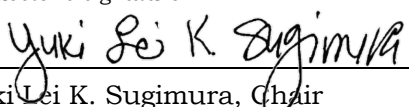
TRANSMITTAL

**Memo to:** DEPARTMENT OF THE CORPORATION COUNSEL  
Attention: Kristina Toshikiyo, Esq.

**Subject:** **FISCAL YEAR ("FY") 2025 BUDGET** (BFED-1) (CC-7)

**Background Data:** Please see the attached document for questions that arose from the Committee's discussion with the Department of 'Ōiwi Resources and the Department of Human Concerns. Please submit your response to [bfed.committee@mauicounty.us](mailto:bfed.committee@mauicounty.us) with a reference to BFED-1 and CC-7.

**Work Requested:**  FOR APPROVAL AS TO FORM AND LEGALITY  
 OTHER: Please see background data section above.

Requestor's signature  Yuki Lei K. Sugimura, Chair	Contact Person <u>James Krueger or Carla Nakata</u> (Telephone Extension: <u>7761 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): \_\_\_\_\_  
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)

bfed:2025bgt:240412acc01:clm

cc: Managing Director  
Director of Housing and Human Concerns  
Acting Budget Director

Attachment

At its meeting of April 11, 2024, the Committee discussed the establishment of the Department of ‘Ōiwi Resources under Chapter 21 of the Revised Charter of the County of Maui (1983), as amended. The Committee was informed that the Charter requires the Department to be established as of July 1, 2024, and that the Mayor must propose a budget that includes all departments.

The Committee was also informed that the Immigration Services Division of the Department of Human Concerns is not authorized to review immigration applications, forms, and other documents, based on the Department of the Corporation Counsel’s advice. The Committee discussed the possibility of contracting out the work to third parties instead.

May I please request your written opinion on the following:

1. What are the consequences of not establishing the Charter-mandated Department of ‘Ōiwi Resources? Please explain.
2. Will the Department be considered established if funding for the Director of ‘Ōiwi Resources is included in the FY 2025 Budget, but there is no funding for other staff or operations within the Department? Please explain.
3. Can the Immigration Services Division enter into contractual agreements with third parties to review immigration applications, forms, and other documents? If individuals receiving such services initiate lawsuits against these third parties, is the County at risk of liability in these lawsuits? Please explain.

bfed:2025bgt:240412acc01\_attachment:clm

## BFED Committee

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**From:** BFED Committee  
**Sent:** Monday, April 15, 2024 4:47 PM  
**To:** CorpCounselRFLS@co.maui.hi.us  
**Cc:** BFED Committee; Josiah Nishita; Keanu LauHee; Cynthia Sasada; loriann.tsuhako@co.maui.hi.us; kimberly.ferguson@co.maui.hi.us; Lesley Milner; Kristina Cabbat  
**Subject:** OCS - BFED, FISCAL YEAR ("FY") 2025 BUDGET (BFED-1) (CC-7); reply by 04/22/2024  
**Attachments:** (CC-7) Correspondence to Corp Counsel 04-15-2024.pdf