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January 21, 2026

MEMO TO: DRIP-9(7) File

F R O M: Tamara Paltin *Tamara A.M. Paltin*
Disaster Recovery, International Affairs, and Planning Committee

SUBJECT: **TRANSMITTAL OF INFORMATIONAL DOCUMENTS RELATING
TO DISCUSSION ON BILL 92, CD1 (2025), AUTHORIZING THE
MAYOR TO ENTER INTO AN INTERGOVERNMENTAL
AGREEMENT WITH THE FEDERAL BUREAU OF INVESTIGATION
FOR A JOINT TERRORISM TASK FORCE** (DRIP-9(7))

The attached informational documents pertain to Item 9(7) on the Committee's agenda.

drip:ltr:009(7)afile02:jpp

Attachment

REQUEST FOR LEGAL SERVICES

Date: December 12, 2025
From: Yuki Lei K. Sugimura, Chair
Budget, Finance, and Economic Development Committee

TRANSMITTAL

Memo to: DEPARTMENT OF THE CORPORATION COUNSEL
Attention: Thomas Kolbe, Esq.

Subject: BILL 92, CD1 (2025), AUTHORIZING THE MAYOR TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE FEDERAL BUREAU OF INVESTIGATION FOR A JOINT TERRORISM TASK FORCE (BFED-4)

Background Data: Please submit your response to bfed.committee@mauicounty.us with a reference to BFED-4.

Work Requested: ☐ FOR APPROVAL AS TO FORM AND LEGALITY
☒ OTHER: Legal Opinion.

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

☐ 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: |
|--------------|----------------|-----|

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): Based on the opinion there are no financial obligations contained in this agreement, please provide a written legal opinion to determine whether any provision of the Maui County Charter or Maui County Code requires the Council to approve, accept, or otherwise act on the proposed intergovernmental agreement contained in Bill 92, CD1 (2025), before the Administration executes it. If no such provision applies, the Administration may execute the intergovernmental agreement without any further Council action. Please cite controlling law where useful and state a clear conclusion.

DEPARTMENT OF THE CORPORATION COUNSEL

Date _____

By _____
(Rev. 7/03)

bfed:ltr:004acc03:kes

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

November 3, 2025

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:

This letter responds to the following inquiries:

1. What constitutes a financial obligation under Chapter 2.20, Maui County Code; and
2. Does the proposed intergovernmental agreement between the County of Maui's Police Department and the Federal Bureau of Investigation for a Joint Terrorism Task Force place any financial obligation on the County that would require Council authorization under Section 2.20.020, Maui County Code?

RESPONSE: Maui County Code 2.20.010.B defines "obligation" broadly:

Obligation means "any commitment, promise, or similar representation contained in an intergovernmental agreement that the county or any agency thereof will provide funds, documents, statistical data or any professional or technical service, or establish any rules, regulations, or other law within the county to any other governmental or quasi-governmental agency."

Yuki Lei Sugimura, Chair
Budget, Finance, and Economic Development Committee
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Maui County Code 2.20.020 requires passage of an ordinance if an intergovernmental agreement (“IGA”) places a ***financial*** obligation on the County:

“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.”

The Code does not specifically define “financial obligation”. Therefore, what constitutes a “financial obligation” must be evaluated on a case-by-case basis.

I have reviewed the proposed IGA between the Maui Police Department and the Federal Bureau of Investigation for a Joint Terrorism Task Force and have conferred with the Police Department regarding any financial obligations on the County. It is MPD and this office’s position that this 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.

Please contact us if you have any further questions.

Sincerely yours,



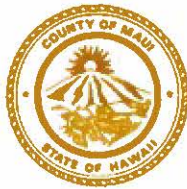
THOMAS KOLBE
Deputy Corporation Counsel

RICHARD T. BISSEN, JR.
Mayor

VICTORIA J. TAKAYESU
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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.

Yuki Lei Sugimura, Chair
Budget, Finance, and Economic Development Committee
Maui County Council
January 20, 2026
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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