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Director of Council Services
David M. Raatz, Jr., Esq.

Deputy Director of Council Services
Richelle K. Kawasaki, Esq.

COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

November 1, 2024

Dr. Leo Caires, Energy Commissioner
Office of the Mayor
County of Maui
Wailuku, Hawaii 96793

Dear Dr. Caires:

**SUBJECT: JOHNSON CONTROLS, INC. ENERGY
PERFORMANCE CONTRACT (BFED-21(24))**

Thank you for your participation in the Budget, Finance, and Economic Development Committee's discussion of October 22, 2024, relating to the Johnson Controls, Inc. ("JCI") energy performance contract.

May I please request your response to the following:

1. Provide a copy of Amendments 4 and 5 and a summary of what each amendment does.
2. Confirm the final amount overpaid to JCI and explain why the overpayment occurred.
3. Confirm the total amount of the overpayment that was remitted to Bank of Hawaii.
4. Explain why the Administration chose to have the remaining overpaid funds remitted and provide a list of projects and equipment not pursued or purchased because of the remittance.
5. Explain how the remittance affects the County's lease obligation. Did it reduce the entire obligation or was it just applied to the County's first payment to Bank of Hawaii?

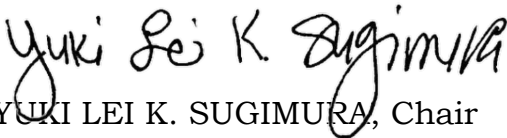
6. Confirm the amount of the first lease payment to Bank of Hawaii.
7. Explain whether the total cost of the lease with Bank of Hawaii has been reduced. If so, provide the new amount and explain why it was reduced.
8. Confirm when JCI's first cost savings report will be submitted to the County and transmit a copy to the BFED Committee upon receipt. Further, explain the process by which the County will conduct an independent audit of the report and confirm when the County's audit will be completed.
9. As it relates to Phase II of the contract:
 - a. Provide a summary of Phase II.
 - b. Explain how Phase II will be financed.
 - c. Provide the estimated total cost of Phase II.
 - d. Identify all of the County's obligations to Phase II, including the amount of time required for it and any costs for which the County will be liable.
 - e. Explain the cost-saving benefits to the County and the estimated amount the County will save as a result of Phase II. Will the cost savings of Phase II impact the overall savings and lease repayment structure of Phase I?
10. Provide your written response to the attached letter dated August 26, 2024, for which a response was requested by September 5, 2024.

May I further request you transmit your response to bfed.committee@mauicounty.us by **November 13, 2024**. To ensure efficient processing, please include the Committee item number in the subject line.

Dr. Leo Caires
November 1, 2024
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Should you have any questions, please contact me or the Committee staff (James Krueger at ext. 7761, or Yvette Bouthillier at ext. 7758).

Sincerely,


YUKI LEI K. SUGIMURA, Chair
Budget, Finance, and Economic
Development Committee

bfed:ltr:021(24)aom05:jgk

Attachment

cc: Mayor Richard T. Bissen, Jr.
Managing Director
Chief of Staff

Council Chair
Alice L. Lee

Vice-Chair
Yuki Lei K. Sugimura

Presiding Officer Pro Tempore
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August 26, 2024

Dr. Leo Caires, Chief of Staff
Office of the Mayor
County of Maui
Wailuku, Hawaii 96793

Dear Dr. Caires:

SUBJECT: **JOHNSON CONTROLS, INC. ENERGY
PERFORMANCE CONTRACT** (BFED-21(24))

Thank you for your participation in the Budget, Finance, and Economic Development Committee's discussion relating to the County's energy performance contract with Johnson Controls, Inc. ("JCI") on August 20, 2024.

May I please request you provide a report on the following:

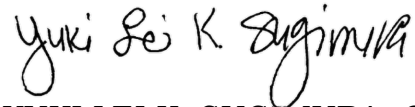
1. The work that JCI has completed as part of Phase I of the contract;
2. The work remaining to be done in Phase I;
3. Any work intended for Phase I but was abandoned, including an explanation of why the work was abandoned; and
4. The work that will be done under Phase II of the contract, including an explanation of whether the Phase II contract has been executed and the cost of the contract.

May I further request you transmit your response to bfed.committee@mauicounty.us by **September 5, 2024**. To ensure efficient processing, please include the Committee item number in the subject line.

Dr. Leo Caires
August 26, 2024
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Should you have any questions, please contact me or the Committee staff (James Krueger at ext. 7761, or Maria Leon at ext. 7866).

Sincerely,

A handwritten signature in black ink that reads "Yuki Lei K. Sugimura". The signature is written in a cursive style with a large, looped initial 'Y'.

YUKI LEI K. SUGIMURA, Chair
Budget, Finance, and Economic
Development Committee

bfed:ltr:021(24)aom04:jgk

cc: Mayor Richard T. Bissen, Jr.

BFED Committee

From: BFED Committee
Sent: Monday, August 26, 2024 8:35 AM
To: Leo Caires
Cc: 'Michelle Santos'; 'Zeke Kalua'; BFED Committee
Subject: Johnson Controls, Inc. Energy Performance Contract (BFED-21(24))
Attachments: 021(24)aom04.pdf

Dr. Caires: Please refer to the attached letter from BFED Committee Chair Sugimura dated 08/26/2024. **Please respond by 09/05/2024.**

Mayor's Office: Please forward the attached letter to Mayor Bissen for his information.

Thank you,
BFED Committee Staff

BFED Committee

From: BFED Committee
Sent: Friday, November 1, 2024 3:50 PM
To: Leo Caires
Cc: BFED Committee; 'Michelle Santos'; 'Zeke Kalua'; Josiah Nishita; Cynthia Sasada; Cynthia Lallo
Subject: PLEASE READ attached letter re: (BFED-21(24)); reply by 11/13/2024
Attachments: 021(24)aom05 signed.pdf

Dr. Caires: Please refer to the attached letter from the Budget, Finance, and Economic Development (BFED) Committee Chair, dated November 1, 2024. Please respond by **November 13, 2024**.

Mayor's Office (attention: Michelle Santos and Zeke Kalua): Please forward the attached letter to Mayor Bissen for his information.

Mr. Nishita and Ms. Lallo: FYI

Thank you,
BFED Committee