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**COUNTY COUNCIL**  
COUNTY OF MAUI  
200 S. HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
[www.MauiCounty.us](http://www.MauiCounty.us)

June 14, 2024

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

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

Mr. Craig Scully, Partner and Chair, Government & Public Finance  
Katten Muchin Rosenman LLP  
50 Rockefeller Plaza  
New York, New York 10020-1605

*Via E-mail: [craig.scully@katten.com](mailto:craig.scully@katten.com)*

Dear Mr. Scully:

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

At its meeting of June 18, 2024, the Maui County Council's Budget, Finance, and Economic Development Committee will be discussing Contract C7619, including all amendments, with Johnson Controls, Inc., and Equipment Lease Agreement 1474 with Bank of Hawaii.

In preparation for the meeting, may I please request your response to the following:

1. Under what authority is the County able to enter into an energy performance contract with Johnson Controls, Inc. and an agreement like Equipment Lease Agreement 1474 with Bank of Hawaii?
2. Is Equipment Lease Agreement 1474 considered a County debt similar to general obligation bonds or should it be considered an operating expense similar to other equipment leases? Further, what is the County's obligation or liability under this agreement? Please explain.
3. Does the Council have the authority to decide whether to appropriate payments for Equipment Lease Agreement 1474 each

Mr. Craig Scully  
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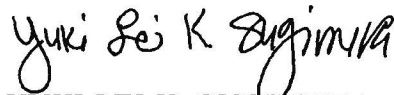
fiscal year? If so, what happens if the Council does not appropriate funds?

Also, if you have a prepared presentation or documents for distribution for the June 18 meeting, may I kindly request that it be submitted with your response.

Thank you for your prompt consideration of this matter. May I please request you transmit your response to [bfed.committee@mauicounty.us](mailto:bfed.committee@mauicounty.us) by **June 17, 2024 at 4:30 p.m.** To ensure efficient processing, please include the relevant Committee item number in the subject line of your response.

Should you have any questions, please contact me or the Committee staff (James Krueger at 808-270-7761, or Yvette Bouthillier at 808-270-7758).

Sincerely,



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

bfed:ltr:021(24)a01:jgk

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

## BFED Committee

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**From:** BFED Committee  
**Sent:** Friday, June 14, 2024 10:03 AM  
**To:** craig.scully@katten.com  
**Cc:** BFED Committee; Michelle Santos; Zeke Kalua; Leo Caires  
**Subject:** please read attached letter re: BFED-21(24); reply by 6/17/24. . .  
**Attachments:** 021(24)a01 signed.pdf

**Mr. Scully:** Please refer to the attached letter from the Budget, Finance, and Economic Development (BFED) Committee Chair, dated June 14, 2024. Please respond by **June 17, 2024**.

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

**Chief of Staff:** FYI

Thank you,