

June 11, 2024

MEMO TO: BFED-21(24) File

F R O M: Yuki Lei K. Sugimura, Chair *Yuki Lei K. Sugimura*
Budget, Finance, and Economic Development Committee

SUBJECT: **TRANSMITTAL OF INFORMATIONAL DOCUMENT RELATING TO
JOHNSON CONTROLS, INC. ENERGY PERFORMANCE
CONTRACT** (BFED-21(24))

The attached informational document pertains to Item 21(24) on the Committee's agenda.

bfed:ltr:021(24)afile07:jgk

Attachment

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2024 JUN 12 AM 8:22
OFFICE OF THE
COUNTY COUNCIL

**CERTIFICATE OF THE DEPARTMENT OF THE CORPORATION COUNSEL
OF THE COUNTY OF MAUI**

September 30, 2022

Reference is made to the Equipment Lease Agreement No. 1474, dated as of September 30, 2022 (the “Lease”), by and between the Bank of Hawaii (the “Bank”) and the County of Maui (the “County”).

I, MOANA LUTEY, ESQ., Corporation Counsel of the County, do hereby certify as follows:

Section 1. The County is a duly organized and existing political subdivision of the State of Hawaii, with full power under the Constitution and laws of the State to authorize the Lease, and to perform its obligations thereunder and contemplated thereby.

Section 2. The Lease has been duly authorized, executed and delivered by the County and, assuming the due authorization, execution and delivery thereof by the counterparties thereto, constitutes the valid, binding and enforceable obligations of the County payable solely from the sources set forth therein, except only to the extent that enforceability may be limited by bankruptcy, insolvency or other laws affecting creditors’ rights and by the application of equitable principles and the exercise of judicial discretion in appropriate cases.

Section 3. No litigation of any nature is now pending or, to our knowledge, threatened, restraining or enjoining the execution and delivery of the Lease.

Section 4. To the best of my knowledge, the execution and delivery of the Lease, do not and will not in any material respect conflict with or constitute on the part of the County a breach of or a default under any existing statute, administrative regulation, consent decree or court order applicable to the County, or any agreement to which the County is subject to and of which I have knowledge, except that I express no opinion with respect to compliance with federal or state securities laws.

IN WITNESS WHEREOF, I have hereunto set my hand as of the date first above written.



MOANA LUTEY, ESQ.
Corporation Counsel
County of Maui