

Resolution

No. 23-34

AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL RELATED TO THE ENERGY PERFORMANCE CONTRACT

WHEREAS, Mayor Richard T. Bissen, Jr. has made energy savings and fiscal responsibility a priority of his administration; and

WHEREAS, the Council finds that there is a real necessity to retain Craig M. Scully of the firm of Katten Muchin Rosenmann LLP, as special counsel to represent the County in negotiating an amendment to the Energy Performance Contract between the County of Maui and Johnson Controls, Inc., dated May 6, 2022; and

WHEREAS, Johnson Controls, Inc. has provided to the County a proposed Solar Power Purchase Agreement, which will amend the Energy Performance Contract, Contract No. C7619 to implement additional energy performance services from Johnson Controls, Inc.; and

WHEREAS, Mr. Scully and the Department of the Corporation Counsel shall work as a team in this matter, with the Department acting as chief legal advisor and representative of the County pursuant to Section 8-2(3), of the Charter of the County of Maui; and

WHEREAS, Mr. Scully's conduct in this matter shall reflect his understanding that the County of Maui is a public entity that has

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obligations, concerns, and interests that may extend beyond those of a similarly situated private litigant; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That the Council hereby authorizes the employment of Craig M. Scully as special counsel to represent the County in reviewing and negotiating amendments to Contract No. C7619, the Energy Performance Contract between the County of Maui and Johnson Controls, Inc.; and

2. That the Department of the Corporation Counsel update the Council's leadership on the matter; and

3. That certified copies of this resolution be transmitted to the Mayor, the Director of Finance, and the Corporation Counsel.

APPROVED AS TO FORM AND LEGALITY:



VICTORIA J. TAKAYESU
Acting Corporation Counsel
County of Maui
LF2022-1142
2023-01-12 Reso Auth Special Counsel

INTRODUCED BY:

A handwritten signature in black ink, appearing to read "Justin Kame". The signature is written in a cursive style with a large initial "J".

Upon the request of the Mayor.