

REQUEST FOR LEGAL SERVICES

D a t e: May 27, 2026
F r o m: Yuki Lei K. Sugimura, Chair
Budget, Finance, and Economic Development Committee

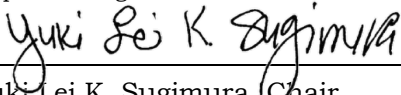
TRANSMITTAL

Memo to: DEPARTMENT OF THE CORPORATION COUNSEL
Attention: Kristie M. Wrigglesworth, Esq.

Subject: JOHNSON CONTROLS, INC. ENERGY PERFORMANCE CONTRACT (BFED-20(16))

Background Data: Please see the attached questions. Please submit your response to bfed.committee@mauicounty.us with a reference to BFED-20(16).

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>)
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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): June 1, 2026
REASON: For the BFED Committee meeting of June 2, 2026.

FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO:	ASSIGNMENT NO.	BY:
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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): _____

DEPARTMENT OF THE CORPORATION COUNSEL

Date _____

By _____

(Rev. 7/03)

bfed:ltr:020(16)acc01:kes

Attachments

The Council's Budget, Finance, and Economic Development Committee has scheduled a meeting on the Johnson Controls, Inc. energy performance contract, including the proposed amendment to Contract C7619 described in County Communication 93-26, on June 2, 2026.

May I please request your legal opinion of the Council's role in the proposed amendment to Contract C7619. Please address the following:

1. Whether Council approval is required before the County may execute the proposed amendment to Contract C7619.
2. Whether Council approval is required before the County may issue, or authorize the issuance of, a notice to proceed for the proposed expanded scope.
3. Whether existing appropriations, the original contract, any executed amendments, or prior Council action already provide sufficient authority for the proposed amendment.
4. Whether the issuance of a Request for Proposals or other procurement-related action by Johnson Controls, Inc. creates any legal obligation for the County.
5. Whether Council action is required before funds may be expended or encumbered for the proposed expanded scope.
6. Whether the Council retains authority to approve, amend, defer, or decline any related funding or authorization after Johnson Controls, Inc. has taken procurement-related action for the proposed expanded scope.

BFED Committee

From: BFED Committee
Sent: Wednesday, May 27, 2026 9:41 AM
To: corpounselrfls@co.maui.hi.us
Cc: 'Kristie.Wrigglesworth@co.maui.hi.us'
Subject: JOHNSON CONTROLS, INC. ENERGY PERFORMANCE CONTRACT (BFED-20(16))
Attachments: Correspondence to Corporation Counsel 05-27-2026.pdf

Importance: High