



RESOLUTION

TO RETAIN THE SERVICES OF CHONG, NISHIMOTO, SIA, NAKAMURA & GOYA AS SPECIAL COUNSEL TO REPRESENT DEFENDANTS HONOLULU ETHICS COMMISSION AND THE CITY AND COUNTY OF HONOLULU IN A LEGAL ACTION ENTITLED KEALOHA, ET AL. V. TOTTO, ET AL., CV16-1-1166-6 GWBC.

WHEREAS, Plaintiffs Louis M. Kealoha, Katherine E. Kealoha, and Kristina Kealoha have named Charles W. Totto, individually and as Executive Director and Legal Counsel of the Honolulu Ethics Commission; Letha A.S. Decaires, individually and as investigator for the Honolulu Ethics Commission; Honolulu Ethics Commission; and The City and County of Honolulu, as Defendants in a civil lawsuit entitled Kealoha, et al. v. Totto, et al., CV16-1-1166-6 GWBC ("Lawsuit"); and

WHEREAS, pursuant to Section 5-203 of the Revised Charter of the City and County of Honolulu 1973 (2000 ed.), as amended ("RCH"), the Corporation Counsel "shall represent the city in all legal proceedings, except as otherwise provided in this charter. The corporation counsel shall perform all other services incident to the office as may be required by this charter or by law[;]" and

WHEREAS, the Department of Corporation Counsel has determined that it is disqualified from representing the Honolulu Ethics Commission and the City and County of Honolulu in the Lawsuit; and

WHEREAS, based upon the foregoing, it is necessary to retain special counsel to represent the Honolulu Ethics Commission and City and County of Honolulu in the Lawsuit; and

WHEREAS, pursuant to Section 5-204.3, RCH, "Where the corporation counsel has been disqualified, special counsel may be retained by any officer or employee in matters relating to the official powers and duties of such officer or employee....The council shall appropriate the necessary funds to pay reasonable fees for such legal services[;]" and

WHEREAS, the Department of the Corporation Counsel seeks to retain Chong, Nishimoto, Sia, Nakamura & Goya to represent the Honolulu Ethics Commission and the City and County of Honolulu in the Lawsuit; now, therefore,

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RESOLUTION

BE IT RESOLVED by the Council of the City and County of Honolulu that:

1. Pursuant to Sections 5-203 and 5-204.3, RCH, the City Council authorizes the retention of Chong, Nishimoto, Sia, Nakamura & Goya as Special Counsel to represent the Honolulu Ethics Commission and the City and County of Honolulu in the Lawsuit; and

2. The City and County of Honolulu shall pay the Special Counsel at the rate of \$200.00 - \$225.00 per hour for partners including Richard F. Nakamura, Esq., \$175.00 per hour for associates, and \$100.00 per hour for paralegals, for preparation, research, and representation in legal proceedings, with these rates to apply at least through the conclusion of any court proceedings, together with reasonable costs incurred in connection with the litigation and appellate proceedings, but not to exceed the total sum of One Hundred Thousand Dollars (\$100,000.00), provided that this total amount may be increased by the Council if it is satisfied with the justification made upon the recommendation of the Corporation Counsel for an increase in the stated maximum amount; and

3. The Special Counsel may be paid monthly for its services, provided that it submits to the Corporation Counsel an itemized monthly statement reflecting the specific services rendered, together with the total number of hours billed for the specific services at one-tenth of an hour, and such monthly statements shall be reviewed and approved by the Corporation Counsel before any payments are made by the City;

4. The Director of Budget and Fiscal Services is authorized to execute a contract with Chong, Nishimoto, Sia, Nakamura & Goya for the legal representation of the Honolulu Ethics Commission and the City and County of Honolulu and the in the Lawsuit and for the scope specified above; and

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RESOLUTION

BE IT FINALLY RESOLVED by the Council that the Clerk be and is hereby directed to transmit copies of this Resolution to the Department of the Corporation Counsel and the law firm of Chong, Nishimoto, Sia, Nakamura & Goya, 1003 Bishop Street, Pauahi Tower, Suite 2500, Honolulu, Hawaii 96813.

INTRODUCED BY:

[Signature] (Dr)

DATE OF INTRODUCTION:

AUG 24 2016
Honolulu, Hawaii

Councilmembers

16-221-1165

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
C E R T I F I C A T E

RESOLUTION 16-221

Introduced: 08/24/16 By: RON MENOR – BY REQUEST Committee: EXECUTIVE MATTERS AND LEGAL AFFAIRS

Title: RESOLUTION TO RETAIN THE SERVICES OF CHONG, NISHIMOTO, SIA, NAKAMURA & GOYA AS SPECIAL COUNSEL TO REPRESENT DEFENDANTS HONOLULU ETHICS COMMISSION AND THE CITY AND COUNTY OF HONOLULU IN A LEGAL ACTION ENTITLED KEALOHA, ET AL, V. TOTTO, ET AL, CV16-1-1166-6 GWBC.

Voting Legend: * = Aye w/Reservations

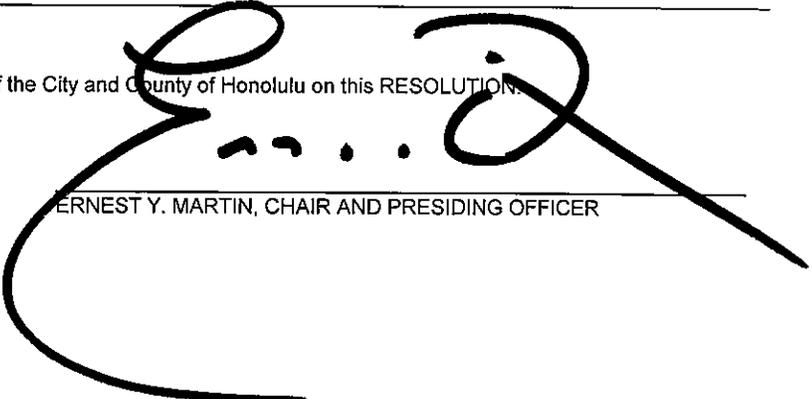
08/23/16	EXECUTIVE MATTERS AND LEGAL AFFAIRS (EXECUTIVE SESSION)	CR-253 – RESOLUTION REPORTED OUT OF COMMITTEE FOR ADOPTION.
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09/07/16	COUNCIL	CR-253 AND RESOLUTION 16-221 WERE ADOPTED. 9 AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MARTIN, MENOR, OZAWA, PINE.
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I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this RESOLUTION.



GLEN I. TAKAHASHI, CITY CLERK



ERNEST Y. MARTIN, CHAIR AND PRESIDING OFFICER