



RESOLUTION

TO RETAIN THE SERVICES OF THE LAW OFFICE OF DAVID HAYAKAWA AS SPECIAL DEPUTY CORPORATION COUNSEL TO REPRESENT REFUSE DRIVER LUNUE BETHEA IN A LEGAL ACTION ENTITLED RUSSELL H. ANDO, INDIVIDUALLY AND AS PERSONAL REPRESENTATIVE OF THE ESTATE OF PAULINE ANDO AND MARSHALL H. ANDO V. CITY AND COUNTY OF HONOLULU, CIVIL NO. 15-1-0134-01 KKS

WHEREAS, City and County of Honolulu Refuse Driver Lunue Bethea ("Bethea") has been named as a witness in a civil lawsuit entitled Russell H. Ando, Individually and as Personal Representative of the Estate of Pauline Ando and Marshall H. Ando v. City and County of Honolulu, Civil No. 15-1-0134-01 KKS ("civil lawsuit"); and

WHEREAS, based on the allegations concerning Bethea's actions in the civil lawsuit, Bethea has certain constitutional rights to which he is entitled to counsel; 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, pursuant to Section 5-204.1, RCH, "Special deputies may be appointed by the corporation counsel, with the approval of the city council[;]" and

WHEREAS, the Department of the Corporation Counsel does not currently have the in-house expertise to provide representation regarding said constitutional rights and desires to retain legal counsel with such expertise; and

WHEREAS, the Department of the Corporation Counsel seeks to retain the Law Office of David Hayakawa to represent Bethea in regard to said constitutional rights; now, therefore,

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

1. Pursuant to Sections 5-203 and 5-204.1, RCH, the City Council authorizes the retention of the Law Office of David Hayakawa as Special Deputy Corporation Counsel to represent Bethea regarding Bethea's constitutional rights in the above-referenced matter;

2. The City and County of Honolulu shall pay the Special Deputy Corporation Counsel at the rate of \$125.00 per hour for preparation, research, and representation, together with reasonable costs incurred in connection with his services;



RESOLUTION

3. The total sum to be expended to pay the Special Deputy Corporation Counsel shall not exceed \$10,000.00, but this 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;

4. The Special Deputy Corporation Counsel may be paid monthly for his services, provided that he submits to the Department of 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 the Department of the Corporation Counsel reviews and approves the statements before any payments are made by the City; and

5. The Director of Budget and Fiscal Services is authorized to execute a contract with the Law Office of David Hayakawa for the legal representation of Bethea in the above-referenced matter and for the scope specified above; and

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 Office of David Hayakawa, 841 Bishop Street, Suite 2022, Honolulu, Hawai'i 96813.

INTRODUCED BY:

 (br)

DATE OF INTRODUCTION:

AUG 24 2016
Honolulu, Hawaii

Councilmembers

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

RESOLUTION 16-226

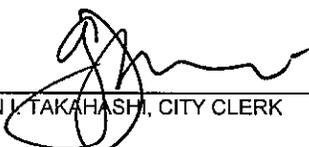
Introduced: 08/24/16 By: RON MENOR – BY REQUEST Committee: EXECUTIVE MATTERS AND LEGAL AFFAIRS

Title: RESOLUTION TO RETAIN THE SERVICES OF THE LAW OFFICE OF DAVID HAYAKAWA AS SPECIAL DEPUTY CORPORATION COUNSEL TO REPRESENT REFUSE DRIVER LUNUE BETHEA IN A LEGAL ACTION ENTITLED RUSSELL H. ANDO, INDIVIDUALLY AND AS PERSONAL REPRESENTATIVE OF THE ESTATE OF PAULINE ANDO AND MARSHALL H. ANDO V. CITY AND COUNTY OF HONOLULU, CIVIL NO. 15-1-0134-01 KKS.

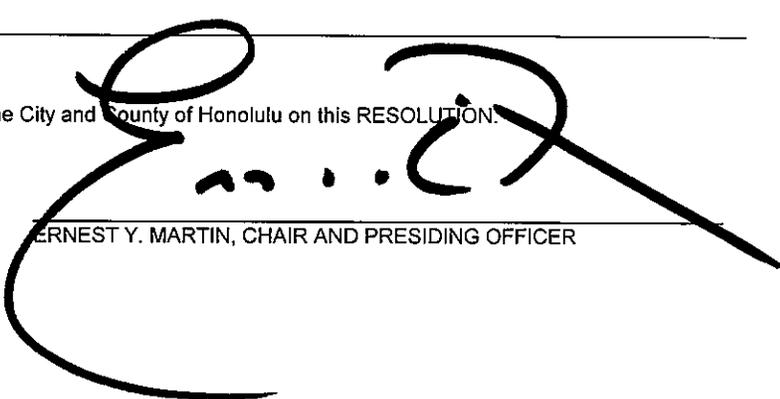
Voting Legend: * = Aye w/Reservations

08/23/16	EXECUTIVE MATTERS AND LEGAL AFFAIRS (EXECUTIVE SESSION)	CR-258 – RESOLUTION REPORTED OUT OF COMMITTEE FOR ADOPTION.
<hr/>		
09/07/16	COUNCIL	CR-258 AND RESOLUTION 16-226 WERE ADOPTED. 9 AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MARTIN, MENOR, OZAWA, PINE.

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