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## RESOLUTION

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TO RETAIN THE SERVICES OF A PRIVATE ATTORNEY AS SPECIAL DEPUTY CORPORATION COUNSEL TO REPRESENT THE CITY AND COUNTY OF HONOLULU UNDER A COOPERATIVE PURCHASING AGREEMENT WITH THE COUNTY OF MAUI IN REPRESENTING THE PUBLIC EMPLOYER IN THE COLLECTIVE BARGAINING INTEREST ARBITRATION WITH THE HAWAII FIRE FIGHTERS ASSOCIATION, IAFF, LOCAL 1462, AFL-CIO, BARGAINING UNIT 11

WHEREAS, under Hawaii Revised Statutes ("HRS"), Section 89-2, the "Public Employer" includes the governor in the case of the State of Hawaii, the respective mayor in the case of the counties and any individual who represents any of these governmental entities or acts in their interest in dealing with public employees; and

WHEREAS, HRS Section 89-6(d) requires that Public Employer negotiate collectively with the exclusive representatives of various bargaining units over the terms of collective bargaining agreements; and

WHEREAS, the collective bargaining agreement for Bargaining Unit 11 ("BU 11") will expire on June 30, 2017; and

WHEREAS, the Hawaii Fire Fighters Association, IAFF, Local 1462, AFL-CIO ("HFFA"), is currently the exclusive representative of BU 11; and

WHEREAS, Public Employer is currently engaged in the process of negotiating with HFFA the successor collective bargaining agreement for BU 11 in a collective bargaining interest arbitration (the "proceedings"); and

WHEREAS, the proceedings involve complex issues of law and fact pertaining to management rights and collective bargaining agreements and require specialized legal knowledge and expertise in those areas (the "Specialized Areas"); and

WHEREAS, pursuant to Section 5-204 of the Revised Charter of the City and County of Honolulu 1990 (2000 ed.), as amended ("RCH"), the Corporation Counsel has determined that because the Specialized Areas require expertise and experience, and because the resources currently available in the Department of the Corporation Counsel to handle these matters are limited, it is necessary to enter into a cooperative purchasing agreement with the County of Maui as the lead agency pursuant to the Hawaii Public Procurement Code, HRS Chapter 103D, and Chapter 3-128, Hawaii Administrative Rules, to retain a private attorney with expertise and experience in the Specialized Areas to effectively advocate Public Employer's position in the proceedings; and



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WHEREAS, the State of Hawaii and other counties will also be participating in the cooperative purchasing agreement; and

WHEREAS, Public Employer seeks to retain the services of Torkildson, Katz, Moore, Hetherington & Harris to represent Public Employer in the proceedings as special deputy corporation counsel; and

WHEREAS, the law firm of Torkildson, Katz, Moore, Hetherington & Harris possesses the necessary specialized legal knowledge and expertise in the Specialized Areas; now and therefore,

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

(1) Pursuant to the mandate of RCH Sections 5-203 and 5-204.1, the Council hereby authorizes the retention by the Corporation Counsel of the law firm of Torkildson, Katz, Moore, Hetherington & Harris as special deputy corporation counsel to represent the City and County of Honolulu ("City") as part of the cooperative purchasing agreement with the County of Maui, and for which the other counties and the State of Hawaii are also seeking to participate in, for an amount not to exceed the sum of Fifty Thousand Dollars (\$50,000) on behalf of the City, inclusive of reasonable costs incurred in connection with the proceedings, provided that this total amount may be increased by the Council if it is satisfied with the justification for such increase; and

(2) The special deputy corporation counsel maybe paid monthly for its services; provided that it submits to the Corporation Counsel an itemized monthly statement reflecting the specific services rendered, and such monthly statement shall be reviewed and approved by the Corporation Counsel before any payments are made by the City; and



**RESOLUTION**

BE IT FINALLY RESOLVED by this Council that the Clerk be and is hereby directed to transmit copies of this resolution to the law offices of Torkildson, Katz, Moore, Hetherington & Harris (700 Bishop Street, 15<sup>th</sup> Floor, Honolulu, Hawaii 96813), and the Corporation Counsel.

INTRODUCED BY:

*[Handwritten Signature]* (10)

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DATE OF INTRODUCTION:

**AUG 24 2016**

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Honolulu, Hawaii

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Councilmembers

CITY COUNCIL  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII  
CERTIFICATE

**RESOLUTION 16-228**

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

Title: RESOLUTION TO RETAIN THE SERVICES OF A PRIVATE ATTORNEY AS SPECIAL DEPUTY CORPORATION COUNSEL TO REPRESENT THE CITY AND COUNTY OF HONOLULU UNDER A COOPERATIVE PURCHASING AGREEMENT WITH THE COUNTY OF MAUI IN REPRESENTING THE PUBLIC EMPLOYER IN THE COLLECTIVE BARGAINING INTEREST ARBITRATION WITH THE HAWAII FIRE FIGHTERS ASSOCIATION, IAFF, LOCAL 1462, AFL-CIO, BARGAINING UNIT 11.

Voting Legend: \* = Aye w/Reservations

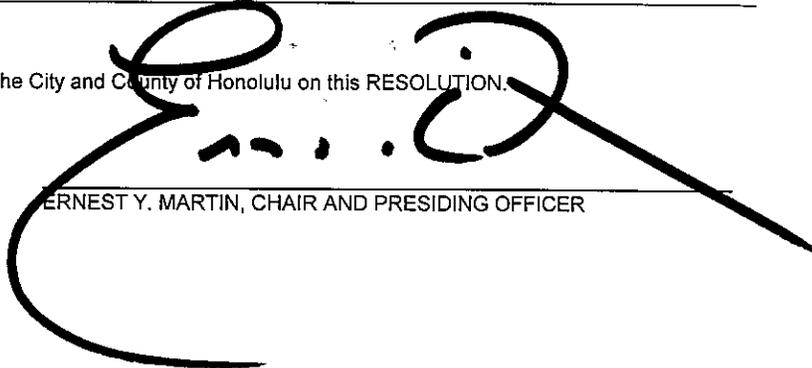
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08/23/16	EXECUTIVE MATTERS AND LEGAL AFFAIRS (EXECUTIVE SESSION)	CR-260 – RESOLUTION REPORTED OUT OF COMMITTEE FOR ADOPTION.
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09/07/16	COUNCIL	CR-260 AND RESOLUTION 16-228 WERE ADOPTED. 9 AYES: ANDERSON, 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.

  
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GLEN I. TAKAHASHI, CITY CLERK

  
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ERNEST Y. MARTIN, CHAIR AND PRESIDING OFFICER