



## RESOLUTION

TO RETAIN THE SERVICES OF CHUNG & IKEHARA, ALC AS SPECIAL DEPUTY CORPORATION COUNSEL TO REPRESENT CHIEF LOUIS M. KEALOHA IN A LEGAL ACTION ENTITLED JONAH K. KAAHU and DONNA LIAKA MARIE KAAHU, HUSBAND AND WIFE V. CITY AND COUNTY OF HONOLULU, ET AL., CIVIL NO. CV14-00266 HG/RLP

WHEREAS, Louis M. Kealoha, Chief of Police of the Honolulu Police Department ("Chief Kealoha") is named in his official and individual capacity as a defendant in a civil lawsuit entitled Jonah K. Kaahu, et al. v. City and County of Honolulu, et al., CV14-00266 HG/RLP ("Kaahu Lawsuit"); and

WHEREAS Chief Kealoha subsequently named Charles W. Totto, individually and as Executive Director and Legal Counsel of the Honolulu Ethics Commission; Honolulu Ethics Commission; and the City and County of Honolulu, as defendants in a civil lawsuit entitled Louis M. Kealoha, et al. v. Charles W. Totto, et al., Civil No. 16-1-1166-6 GWBC ("Totto 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 there is a potential conflict between its representation of the City and County of Honolulu in the Totto Lawsuit and its representation of Chief Kealoha in the Kaahu Lawsuit; and

WHEREAS the Department of Corporation Counsel attempted to, but was unable to obtain a waiver of said potential conflict from Chief Kealoha; and

WHEREAS representation of Chief Kealoha is otherwise impractical due to the Totto Lawsuit and communication issues arising out of that lawsuit; and

WHEREAS, pursuant to RCH Section 5-204, "Special deputies may be appointed by the corporation counsel, with the approval of the city council[;]" and

WHEREAS, based upon the foregoing, it is necessary to appoint and retain a special deputy corporation counsel to represent and defend Chief Kealoha in the Kaahu Lawsuit; and



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## RESOLUTION

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WHEREAS, Chung & Ikehara, ALC possess the specialized legal knowledge and expertise to defend Chief Kealoha as special deputy corporation counsel ("Special Deputy") in this lawsuit; now, therefore,

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

1. Pursuant to RCH Section 5-204, the City Council authorizes the appointment and retention of Chung & Ikehara, ALC as Special Deputy to represent Chief Kealoha in the defense of, and any appellate proceedings arising out of, the above-referenced matter;
2. The total sum to be expended to pay Special Deputy shall not exceed Ten Thousand Dollars (\$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;
3. Special Deputy may be paid monthly for its services, provided that it 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 may be made by the City; and
4. The Director of Budget and Fiscal Services is authorized to execute a contract with Chung & Ikehara, ALC for the legal representation of Chief Kealoha in the above-referenced matter; and



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 Chung & Ikehara, ALC, 707 Richards Street, Suite 300, Honolulu, Hawaii 96813.

INTRODUCED BY:

*[Handwritten Signature]*

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DATE OF INTRODUCTION:

**MAR - 8 2017**

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Honolulu, Hawaii

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Councilmembers

CITY COUNCIL  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII  
CERTIFICATE

**RESOLUTION 17-75**

Introduced: 03/08/17 By: RON MENOR – BY REQUEST Committee: EXECUTIVE MATTERS AND LEGAL AFFAIRS

Title: RESOLUTION TO RETAIN THE SERVICES OF CHUNG & IKEHARA, ALC AS SPECIAL DEPUTY CORPORATION COUNSEL TO REPRESENT CHIEF LOUIS M. KEALOHA IN A LEGAL ACTION ENTITLED JONAH K. KAAHU and DONNA LIAKA MARIE KAAHU, HUSBAND AND WIFE V. CITY AND COUNTY OF HONOLULU, ET AL., CIVIL NO. CV14-00266 HG/RLP.

Voting Legend: \* = Aye w/Reservations

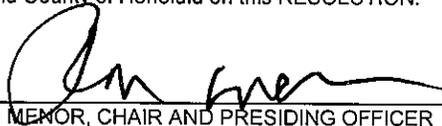
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03/07/17	EXECUTIVE MATTERS AND LEGAL AFFAIRS (EXECUTIVE SESSION)	CR-82 – RESOLUTION REPORTED OUT OF COMMITTEE FOR ADOPTION.
03/22/17	COUNCIL	CR-82 AND RESOLUTION 17-75 WERE ADOPTED. 9 AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MARTIN, 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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RON MENOR, CHAIR AND PRESIDING OFFICER