



RESOLUTION

TO RETAIN THE SERVICES OF THE LAW FIRM OF KOBAYASHI, SUGITA & GODA AS SPECIAL DEPUTY CORPORATION COUNSEL TO REPRESENT THE CITY AND COUNTY OF HONOLULU IN CIVIL NO. 05-1-2249-12, COMMUNICATIONS-PACIFIC, INC. V. CITY AND COUNTY OF HONOLULU, ET AL., FILED IN THE CIRCUIT COURT OF THE FIRST CIRCUIT.

WHEREAS, on December 20, 2005, Plaintiff Communications-Pacific, Inc., filed a Complaint for Declaratory Judgment and Other Relief; and

WHEREAS, the lawsuit alleges that the City has violated the State Procurement Code, HRS Chapter 103D, as amended, in its selection of a consultant to conduct an alternatives analysis and prepare and draft an environmental impact statement for the Honolulu High Capacity Transit Corridor Project; and

WHEREAS, legal representation is needed with regard to this lawsuit which will involve complex issues of law and fact, requiring specialized legal knowledge and expertise in the handling of said lawsuit; and

WHEREAS, Bert T. Kobayashi, Jr., of the law firm of Kobayashi, Sugita & Goda possesses the specialized knowledge and expertise in procurement law; and

WHEREAS, Section 5-204.1 of the Revised Charter of the City and County of Honolulu 1973 (2000 Edition) provides that special deputies may be appointed by the Corporation Counsel with the approval of the Council; now, therefore,

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

1) Pursuant to Section 5-204.1 of the Revised Charter of the City and County of Honolulu 1973 (2000 Edition), the Council hereby authorizes and approves the appointment of the law firm of Kobayashi, Sugita & Goda as Special Deputy Corporation Counsel to serve as co-counsel with the deputies of the Department of the Corporation Counsel in representing the City and County of Honolulu in Civil No. 05-1-2249-12 EEH, Communications-Pacific, Inc. v. City and County of Honolulu, et al.

2. The City and County of Honolulu shall pay partners with Kobayashi, Sugita & Goda at a rate not exceeding \$225.00 per hour; associates at a rate not exceeding \$140.00 per hour, and paralegals at a rate of \$80.00 per hour for their services rendered in connection with these matters;



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3) The Special Deputy Corporation Counsel shall also be allowed reimbursement for reasonable costs incurred in connection with its services;

4) The Special Deputy Corporation Counsel may be paid monthly for its services; provided that the law firm submits to the Department of the Corporation Counsel an itemized monthly statement reflecting the specific services rendered, together with a total number of hours (in tenths of an hour billing) for specific services and costs incurred thereto, and the monthly statement is reviewed and approved by the Corporation Counsel before any payments are made by the City and County of Honolulu;

5) The total sum to be expended by the Special Deputy Corporation Counsel shall not exceed \$75,000, but this amount may be increased by the Council if it is satisfied with the justifications made upon recommendation by the Corporation Counsel for a waiver of said maximum amount; and

BE IT FINALLY RESOLVED by the Council that the Clerk be and hereby is directed to transmit copies of this Resolution to Kobayashi, Sugita & Goda, 999 Bishop Street, Suite 2600, Honolulu, Hawaii 96813-4430, and to the Corporation Counsel.

INTRODUCED BY:

Brian Marshall

DATE OF INTRODUCTION:

JAN 13 2006

Honolulu, Hawaii

Councilmembers

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
CERTIFICATE

RESOLUTION 06-013

Introduced: 01/13/06 By: BARBARA MARSHALL

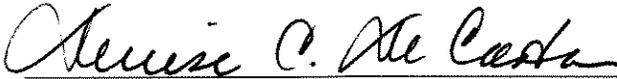
Committee: EMLA

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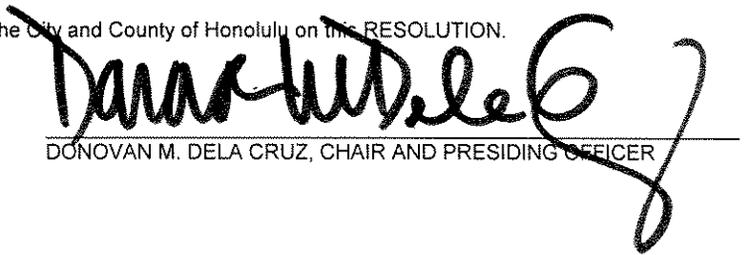
Links: [RES06-013](#)
[D-0039](#)

ES	01/12/06	CR-40 – RESOLUTION REPORTED OUT FOR ADOPTION.				
COUNCIL	01/25/06	RESOLUTION AND CR-40 ADOPTED.				
	APO Y	CACHOLA Y	DELA CRUZ Y	DJOU Y	GARCIA Y	
	KOBAYASHI Y	MARSHALL Y	OKINO Y	TAM Y		

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.



DENISE C. DE COSTA, CITY CLERK



DONOVAN M. DELA CRUZ, CHAIR AND PRESIDING OFFICER