



RESOLUTION

TO REQUEST ADDITIONAL FUNDS FOR THE PAYMENT OF SERVICES PERFORMED BY THE LAW FIRM OF KOBAYASHI SUGITA & GODA AS SPECIAL DEPUTY CORPORATION COUNSEL REPRESENTING THE CITY AND COUNTY OF HONOLULU IN THE LAWSUIT ENTITLED BODELL CONSTRUCTION COMPANY V. GMP HAWAII, INC., ET AL., CIVIL NO. 03-00706.

WHEREAS, by Resolution No. 04-162, dated June 4, 2004, the City Council authorized the retention of the law firm of KOBAYASHI SUGITA & GODA ("KS&G") to serve as Special Deputy Corporation Counsel to serve as co-counsel with the deputies of the Department of the Corporation Counsel to provide legal services with regard to Contract No. F-97110, known as the Wahiawa Wastewater Treatment Plant-Effluent Reuse and Wahiawa Reservoir Outfall Adjustment, Job No. W10-99; and

WHEREAS, Bodell Construction Company ("Bodell"), the construction contractor for the project, filed a lawsuit, Civil No. 03-00706, Bodell Construction Company v. GMP Hawaii, Inc., et al. on December 24, 2003, and KS&G is representing the City and County of Honolulu in that matter; and

WHEREAS, Special Deputy Corporation Counsel has expended additional time and resources in providing legal services and has informed the City that Special Deputy Corporation has exceeded the original amount authorized by the City Council; and

WHEREAS, Resolution No. 04-162 authorized a maximum of \$50,000 for legal fees; and

WHEREAS, Resolution No. 04-262 dated September 22, 2004, authorized the allotment of additional sums in the amount of \$50,000; and

WHEREAS, Resolution No. 04-369 dated December 1, 2004, authorized the allotment of additional sums in the amount of \$50,000; and

WHEREAS, Resolution No. 05-196 dated June 6, 2005, authorized the allotment of additional sums in the amount of \$50,000; and



RESOLUTION

WHEREAS, Resolution No. 05-230 dated July 6, 2005, authorized the allotment of additional sums in the amount of \$50,000; and

WHEREAS, Resolution No. 05-308 dated September 28, 2005, authorized the allotment of additional sums in the amount of \$75,000; bringing the total maximum authorized amount to \$325,000; and

WHEREAS, the Special Deputy Corporation Counsel has requested the approval of additional funds to cover legal fees and expenses over and above the authorized amount; and

WHEREAS, based on the above, it appears that an increase in the maximum amount of fees is warranted since the maximum has been reached and the Special Deputy Corporation Counsel has represented that additional monies are needed to continue to represent the City; and

WHEREAS, Corporation Counsel recommends the allotment of additional sums in the amount of \$65,000 now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that an additional \$65,000 be allotted for the payment of said Special Deputy Corporation Counsel to represent the City in the above-entitled case, in accordance with the terms and conditions set forth in Resolution No. 04-162, bringing the total maximum authorized amount to \$390,000; and



RESOLUTION

BE IT FINALLY RESOLVED that copies of this Resolution be transmitted to the law firm of KOBAYASHI SUGITA & GODA, First Hawaiian Center, 999 Bishop Street, Suite 2600, Honolulu, Hawaii 96813-4430, and to the Corporation Counsel.

INTRODUCED BY:

[Handwritten signature] (BR)

Councilmembers

DATE OF INTRODUCTION:

MAY 01 2006
Honolulu, Hawaii

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
CERTIFICATE

RESOLUTION 06-171

Introduced: 05/01/06 By: CHARLES DJOU (BY REQUEST)

Committee: EMLA

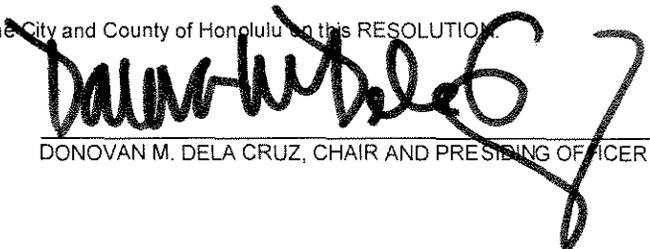
Title: RESOLUTION TO REQUEST ADDITIONAL FUNDS FOR THE PAYMENT OF SERVICES PERFORMED BY THE LAW FIRM OF KOBAYASHI SUGITA & GODA AS SPECIAL DEPUTY CORPORATION COUNSEL REPRESENTING THE CITY AND COUNTY OF HONOLULU IN THE LAWSUIT ENTITLED BODELL CONSTRUCTION COMPANY V. GMP HAWAII, INC., ET AL., CIVIL NO. 03-00706.

Links: [RES06-171](#)
[D-0441](#)

EMLA	04/27/06	CR-249 – RESOLUTION REPORTED OUT OF COMMITTEE FOR ADOPTION.				
COUNCIL	05/17/06	RESOLUTION AND CR-249 ADOPTED.				
	APO Y	CACHOLA Y	DELA CRUZ Y	DJOU Y	GARCIA Y	
	KOBAYASHI E	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