



RESOLUTION

TO REQUEST ADDITIONAL FUNDS FOR THE PAYMENT OF SERVICES PERFORMED BY THE LAW FIRM OF BINGHAM MCCUTCHEN LLP AS SPECIAL DEPUTY CORPORATION COUNSEL REPRESENTING THE CITY AND COUNTY OF HONOLULU IN THE LAWSUIT ENTITLED SIERRA CLUB, ET AL. V. CITY AND COUNTY OF HONOLULU, ET AL, CIVIL NO. 04-00463 DAE-BMK

WHEREAS, by Resolution No. 04-261, dated September 22, 2004, the City Council authorized the retention of the law firm of BINGHAM McCUTCHEN LLP 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 Civil No. 04-00463 DAE-BMK, Sierra Club, et al. v. City and County of Honolulu, et al.; 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 Counsel has exceeded the original amount authorized by the City Council; and

WHEREAS, Resolution No. 04-261 authorized a maximum of \$75,000 for legal fees; and

WHEREAS, Resolution No. 04-378 dated December 1, 2004, authorized the allotment of additional sums in the amount of \$100,000; and

WHEREAS, Resolution No. 05-161 dated May 11, 2005, authorized the allotment of additional sums in the amount of \$400,000; and

WHEREAS, Resolution No. 05-232 dated July 6, 2005, authorized the allotment of additional sums in the amount of \$500,000; and

WHEREAS, Resolution No. 05-309 dated September 28, 2005, authorized the allotment of additional sums in the amount of \$396,000; and

WHEREAS, Resolution No. 05-354 dated November 9, 2005, authorized the allotment of additional sums in the amount of \$465,000; and



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WHEREAS, Resolution No. 06-073 dated March 1, 2006, authorized the allotment of additional sums in the amount of \$600,000; and

WHEREAS, Resolution No. 06-323 dated October 25, 2006, authorized the allotment of additional sums in the amount of \$500,000; and

WHEREAS, Resolution No. 07-016 dated January 24, 2007, authorized the allotment of additional sums in the amount of \$700,000; and

WHEREAS, Resolution No. 07-282 adopted on September 19, 2007, authorized the allotment of additional sums in the amount of \$500,000; and

WHEREAS, Resolution No. 08-29 adopted on February 20, 2008, authorized the allotment of additional sums in the amount of \$500,000; and

WHEREAS, Resolution No. 08-179 adopted on August 20, 2008, authorized the allotment of additional sums in the amount of \$750,000; bringing the total maximum authorized amount to \$5,486,000; 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 \$1,000,000 now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that an additional \$1,000,000 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. 04-261, bringing the total maximum authorized amount to \$6,486,000; and

BE IT RESOLVED by the Council of the City and County of Honolulu that the billing rate for partners shall not exceed the rate of \$475.00 per hour, and the billing rate for all other attorneys working on these matters shall not exceed the rate of \$450.00 per hour for their services rendered in connection with these matters;



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BE IT FINALLY RESOLVED that copies of this Resolution be transmitted to the law firm of BINGHAM McCUTCHEN LLP, attention: James Dragna, Esq., 355 South Grand Avenue, Suite 4400, Los Angeles, California 90071-1560, and to the Corporation Counsel.

INTRODUCED BY:

[Handwritten signature] (BL)

DATE OF INTRODUCTION:

FEB 12 2009

Honolulu, Hawaii

Councilmembers

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
CERTIFICATE

RESOLUTION 09-56

Introduced: 02/12/09 By: CHARLES DJOU (BR)

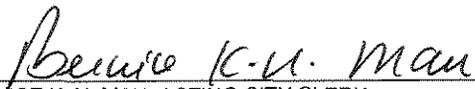
Committee: EXECUTIVE MATTERS
AND LEGAL AFFAIRS

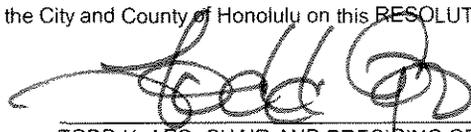
Title: RESOLUTION TO REQUEST ADDITIONAL FUNDS FOR THE PAYMENT OF SERVICES PERFORMED BY THE LAW FIRM OF BINGHAM MCCUTCHEN LLP AS SPECIAL DEPUTY CORPORATION COUNSEL REPRESENTING THE CITY AND COUNTY OF HONOLULU IN THE LAWSUIT ENTITLED SIERRA CLUB, ET AL. V. CITY AND COUNTY OF HONOLULU, ET AL, CIVIL NO. 04-00463 DAE-BMK.

Links: [RES09-56](#)
[CR-58](#)

EXECUTIVE MATTERS AND LEGAL AFFAIRS (ES)	02/11/09	CR-58 - RESOLUTION REPORTED OUT OF COMMITTEE FOR ADOPTION.				
	02/22/09	COUNCIL OPERATING WITH 8 MEMBERS. VACANCY DUE TO PASSING OF COUNCILMEMBER BARBARA MARSHALL.				
COUNCIL	02/25/09	CR-58 AND RESOLUTION 09-56 WERE ADOPTED.				
	APO Y	BAINUM Y	CACHOLA A	DELA CRUZ Y	DJOU N	
	GARCIA 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.


BERNICE K. N. MAU, ACTING CITY CLERK


TODD K. APO, CHAIR AND PRESIDING OFFICER