HONOLULU CITY COUNCIL

KE KANIHELA O KE KALANA O HONOLULU

CITY AND COUNTY OF HONOLULU

No. 26-104

RESOLUTION

TO RETAIN THE LEGAL SERVICES OF STARN O'TOOLE MARCUS & FISHER, A LAW CORPORATION, AS SPECIAL DEPUTY CORPORATION COUNSEL TO ADVISE AND REPRESENT THE CITY IN CLAIMS AND DISPUTES RELATING TO THE SKYLINE CORE SYSTEMS CONTRACT.

WHEREAS, pursuant to the Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition) ("RCH"), Section 6-1703(a), the Director of the Department of Transportation Services is responsible for the operation and maintenance of the City's multimodal transportation system, including the fixed guideway system known as Skyline; and

WHEREAS, Hitachi Rail Honolulu JV is the Core Systems Contractor for Skyline, with the responsibility to furnish, install, test, and commission passenger vehicles, the train control system, the traction electrification system, the communication system, platform screen gates, the fire detection system, and the supervisory control and data acquisition system; and

WHEREAS, the Core Systems Contractor is also responsible for the operation and maintenance of Skyline; and

WHEREAS, the Core Systems Contractor has asserted claims and initiated litigation against the City as well as the Honolulu Authority for Rapid Transportation ("HART"), pertaining to the parties' respective rights and obligations under the Core Systems Contract; and

WHEREAS, pursuant to RCH §5-203 the Corporation Counsel shall serve as the legal adviser and representative of all agencies and officers and employees in matters relating to their official powers and duties; and

WHEREAS, pursuant to RCH § 5-204 the Corporation Counsel has determined that it is necessary to retain a Special Deputy Corporation Counsel to advise and represent the City regarding claims, litigation, and other disputes relating to the Core Systems Contract; and

WHEREAS, Starn O'Toole Marcus & Fisher, a Law Corporation, possesses the knowledge and expertise to serve as Special Deputy Corporation Counsel to advise and represent the City regarding claims, litigation, and other disputes relating to the Core Systems Contract; and

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WHEREAS, Starn O'Toole Marcus & Fisher, a Law Corporation, is uniquely suited to provide such legal services and has been selected pursuant to §103D-306, HRS; now, therefore,

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

1. Pursuant to RCH Sections 5-203 and 5-204.1, the City Council authorizes the appointment and retention of Starn O'Toole Marcus & Fisher, a Law Corporation, as Special Deputy Corporation Counsel to advise and represent the City with respect to claims, litigation, and other disputes relating to the Core Systems Contract, and the Core Systems Contractor, Hitachi Rail Honolulu JV;

2. The total sum to be expended to pay Special Deputy Corporation Counsel shall not exceed $350,000.00, provided that this total amount may be increased by the City Council if it is satisfied with the justification for such increase;

3. The Special Deputy Corporation Counsel may be paid monthly for its services; provided that it submits to 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 such monthly statement shall be reviewed and approved by the Corporation Counsel before any payments may be made by the City;

4. The Director of Budget and Fiscal Services is authorized to execute a contract with the law firm of Starn O'Toole Marcus & Fisher, a Law Corporation, for the above-referenced legal services; and

BE IT FINALLY RESOLVED by the City Council that the Clerk be and is hereby directed to transmit copies of this Resolution to the Department of the Corporation Counsel and firm of Starn O'Toole Marcus & Fisher, a Law Corporation, Pacific Guardian Center Makai Tower, 733 Bishop Street Suite 1900, Honolulu Hawaii 96813.

INTRODUCED BY:

(br)

HONOLULU CITY COUNCIL

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RESOLUTION

DATE OF INTRODUCTION:

APR 29 2026
Honolulu, Hawai'i

Councilmembers

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

CERTIFICATE

RESOLUTION 26-104

Introduced:	04/29/26	By:	SCOTT Y. NISHIMOTO - BY REQUEST	Committee:	INTERNATIONAL & LEGAL AFFAIRS (ILA)

Title: TO RETAIN LEGAL SERVICES OF STARN O'TOOLE MARCUS & FISHER, A LAW CORPORATION, AS SPECIAL DEPUTY CORPORATION COUNSEL TO ADVISE AND REPRESENT THE CITY IN CLAIMS AND DISPUTES RELATING TO THE SKYLINE CORE SYSTEMS CONTRACT.

Voting Legend: * = Aye w/Reservations

04/29/26	ILA	Reported out for adoption. CR-110(26) 7 AYES: CORDERO, KIA'ĀINA, NISHIMOTO, OKIMOTO, TULBA, TUPOLA, WATERS 2 ABSENT: DOS SANTOS-TAM, WEYER
04/29/26	INTRO	Introduced.
05/13/26	CCL	Committee report and Resolution were adopted. 9 AYES: CORDERO, DOS SANTOS-TAM, KIA'ĀINA, NISHIMOTO, OKIMOTO, TULBA, TUPOLA, WATERS, WEYER

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.

CHADD KADOTA, ACTING CITY CLERK

TOMMY WATERS, CHAIR AND PRESIDING OFFICER