



Legislation Details (With Text)

File #: 2339-2022 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 8/16/2022 **In control:** Criminal Justice & Judiciary Committee

On agenda: 9/12/2022 **Final action:** 9/15/2022

Title: To authorize the City Attorney to modify an existing contract for special prosecution with Kathleen Garber Law LLC, for probable cause determination and prosecution of matters pertaining to criminal wrongdoing by City Division of Police employees associated with the police response to the George Floyd protests; to authorize the expenditure of up to \$7,205.00 from the General Operating Fund; and to declare an emergency. (\$7,205.00)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Ord 2339-2022 Garber contract modification

Date	Ver.	Action By	Action	Result
9/15/2022	1	CITY CLERK	Attest	
9/14/2022	1	MAYOR	Signed	
9/12/2022	1	COUNCIL PRESIDENT	Signed	
9/12/2022	1	Columbus City Council	Approved	Pass

BACKGROUND: The Columbus City Attorney's Office faces an ongoing conflict of interest pertaining to the need to conduct probable cause evaluations, and represent the City in the prosecution of City employees of the Columbus Division of Police for criminal wrongdoing associated with the police response to George Floyd protests occurring in the City beginning in late May 2020. The City Attorney deemed it in the best interest of the City to assign a Special Prosecutor to such matters so as to avoid the conflict of interest, and to assure the independence of the review and litigation process. The City Attorney engaged Kathleen Garber, Attorney at Law, on August 10, 2020 and in exchange for said services, the City agreed to pay Ms. Garber up to \$15,000 which was subsequently modified on January 13, 2021 to up to \$30,000 to account for the expansion of the scope of Ms. Garber's services which had occurred on October 7, 2020; modified again on April 12, 2021 per Ordinance No. 0860-2021 passed on April 5, 2021, to allow for continued representation; modified again on November 8, 2021 per Ordinance No. 2536-2021 passed on October 25, 2021, and modified June 7, 2022 per Ordinance 1190-2022 passed on May 26, 2022. Through the contract period Ms. Garber also moved from being an independent contractor to an established LLC, see Ordinance No. 1190-2022. Therefore this additional modification is needed to finalize the balance on PO299486 (\$297.18) set up for Ms. Garber as an independent contractor to pay invoice for Kathleen Garber Law LLC; increase contract amount for final payment; and to declare an emergency.

FISCAL IMPACT: The amount of the contract modification is \$6,907.82 plus the \$297.18 balance on PO299486 will be finalized for a total of \$7,205.00, and the total amount of this contract, as modified, is \$144,907.82. This contract modification is funded by the City Attorney's Office.

COMPANY: Kathleen Garber Law, LLC. FID: 862064640, CC041604, expires 4/21/2024

To authorize the City Attorney to modify an existing contract for special prosecution with Kathleen Garber Law LLC, for

probable cause determination and prosecution of matters pertaining to criminal wrongdoing by City Division of Police employees associated with the police response to the George Floyd protests; to authorize the expenditure of up to \$7,205.00 from the General Operating Fund; and to declare an emergency. (\$7,205.00)

WHEREAS, the Columbus City Attorney's Office faces an ongoing conflict of interest pertaining to the need to conduct probable cause evaluations and represent the City in the prosecution of City employees of the Columbus Division of Police for criminal wrongdoing associated with the police response to George Floyd protests occurring in the City beginning in late May 2020; and

WHEREAS, the City Attorney deemed it in the best interest of the City to assign a Special Prosecutor to such matters so as to avoid the conflict of interest and to assure the independence of the review and litigation process; and

WHEREAS, the City Attorney engaged Kathleen Garber Law LLC, on August 10, 2020 as she has the necessary experience and expertise to provide said service; and

WHEREAS, in exchange for said services, the City agreed to pay Ms. Garber up to \$15,000 which was subsequently modified on January 31, 2021 to up to \$30,000 to account for the expansion of the scope of Ms. Garber's services which had occurred on October 7, 2020, modified again on April 12, 2021 per Ordinance No. 0860-2021 passed on April 5, 2021, modified again on November 17, 2021 per Ordinance No. 2536-2021 passed on October 25, 2021, and modified again June 7, 2022 to allow for continued representation; and

WHEREAS, through the contract period Ms. Garber moved from being an independent contractor to an established LLC; and

WHEREAS, PO299486 was set up for Ms. Garber as an independent contractor and must be finalized before balance is paid to Kathleen Garber Law LLC,

WHEREAS, this modification finalizes PO299486 and provides funds needed for final payment on contract services; and

WHEREAS, the City Attorney's Office has determined that additional funds are needed for this modification; and

WHEREAS, an emergency exists in the usual daily operation of the City Attorney's Office in that it is in the best interest of the City to authorize the City Attorney to modify the contract with Kathleen Garber Law LLC in order to finalize this contract as described above; **NOW, THEREFORE**,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. That the City Attorney is hereby authorized to modify the contract entered into on August 10, 2020 and subsequently modified on October 7, 2020, January 31, 2021, April 12, 2021, November 17, 2021, and June 7, 2022 with Kathleen Garber, Attorney at Law then Kathleen Garber Law LLC for special prosecution legal services to the City Attorney with regard to criminal wrongdoing by City employees of the Columbus Division of Police which occurred during the protests associated with the murder of George Floyd over the summer of 2020. This modification finalizes PO299486 in the amount of \$297.18 set up for Ms. Garber as an independent contractor so balance can be paid to Kathleen Garber Law LLC and increases contract by \$6,907.82 to an amount not to exceed \$144,907.82.

Section 2. That for the purposes stated in Section 1, the amount of \$6,907.82 plus the \$297.18 balance on PO299486 for a total of \$7,205.00, or so much thereof as may be necessary, be and is hereby authorized in Fund 1000, per the accounting codes in the attachment to this ordinance.

Section 3. Funds are hereby deemed appropriated and expenditures and transfers authorized to carry out the purposes of this ordinance and the City Auditor shall establish such accounting codes as necessary.

Section 4. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.