



City of Columbus

Office of City Clerk
90 West Broad Street
Columbus OH 43215-9015
columbuscitycouncil.org

Legislation Text

File #: 2478-2021, **Version:** 1

BACKGROUND: The case of *Mango v. Columbus, et al*, 2:19-cv-03120, pending in the United States District Court for the Southern District of Ohio, Eastern Division, was filed on July 18, 2019 naming as defendants the City of Columbus as well as employees of the City Attorney's Office. The City filed a motion to dismiss resulting in the dismissal from the lawsuit of the individual City employees but allowing the claims against the City itself to proceed. Employees of the City Attorney's Office have been identified as fact witnesses in this case. Therefore, in accordance with the Ohio Rules of Professional Conduct, outside counsel was retained to represent the City.

Towards this end, on September 14, 2020 Council approved Ordinance No. 2630-2020 authorizing the City Attorney to enter into contract with Isaac Wiles Burkholder & Teetor LLC and appropriating \$40,000.00 for that purpose. Additional funds are now needed to allow for continued representation.

FISCAL IMPACT: This contract will be funded by the City Attorney's Office. The amount of the contract modification is \$20,000.00. The total amount of this contract, as modified, is \$60,000.00.

COMPANY: Isaac Wiles Burkholder & Teetor LLC, Vendor No.: 008625, FID: 46-2505333
2 Miranova Pl., Ste 700, Columbus, OH 43215

To authorize the City Attorney to modify an existing contract with Isaac Wiles Burkholder & Teetor LLC, for the case of *Mango v. Columbus, et al*, 2:19-cv-03120, pending in the United States District Court for the Southern District of Ohio; to authorize the expenditure of \$20,000.00 from the General Fund; and to declare an emergency. (\$20,000.00)

WHEREAS, the case of *Mango v. Columbus, et al*, 2:19-cv-03120, pending in the United States District Court for the Southern District of Ohio, Eastern Division, was filed on July 18, 2019 naming as defendants the City of Columbus as well as employees of the City Attorney's Office; and

WHEREAS, the City filed a motion to dismiss resulting in the dismissal from the lawsuit of the individual City employees but allowing the claims against the City itself to proceed; and

WHEREAS, employees of the City Attorney's Office have been identified as fact witnesses in this case; and

WHEREAS, the Ohio Rules of Professional Conduct require that outside counsel be retained where employees of the City Attorney's Office are called as fact witnesses in a case where the City would otherwise be represented by the City Attorney's Office; and

WHEREAS, Isaac Wiles Burkholder & Teetor LLC has the necessary experience and expertise to provide said service; and

WHEREAS, additional funding is now necessary to continue the representation uninterrupted; and

WHEREAS, an emergency exists in the usual daily operation of the City Attorney's Office in that it is necessary to authorize the City Attorney to modify the contract with Isaac Wiles Burkholder & Teetor LLC immediately in order to assure continued representation; **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 November 11, 2020 with Isaac Wiles Burkholder & Teetor, LLC for special legal counsel services to represent the City of Columbus in the case of *Mango v. Columbus, et al*, 2:19-cv-03120, pending in the United States District Court for the Southern District of Ohio to state that the maximum amount to be paid pursuant to the Contract is amended to \$60,000.00, which maximum amount may not be exceeded without approval of additional modification by Columbus City Council.

Section 2. That for the purposes stated in Section 1, the amount of \$20,000.00, or so much thereof as may be necessary, be and is hereby authorized in General Fund 1000, per the accounting codes in the attachment to this ordinance.

Section 3. That for the reasons stated in the preamble hereto which are 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 immediately after its passage and signature by the Mayor, or within 10 days thereafter if the Mayor neither signs nor vetoes the same.