



Legislation Text

File #: 0337-2024, **Version:** 1

BACKGROUND: The case of *Shaw v. Wozniak, et al*, 2:23-cv-00942, pending in the United States District Court for the Southern District of Ohio, Eastern Division, was filed on March 13, 2023 naming the City of Columbus as well as former Department of Public Safety employee Richard Wozniak as defendants. In accordance with the Ohio Rules of Professional Conduct, outside counsel was retained to represent the City in this matter. Contract PO380935 was executed with Isaac Wiles Burkholder & Teetor LLC for outside legal counsel services on April 25, 2023. Additional funds are now needed to allow for continued representation.

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

The company is not debarred according to the Excluded Party Listing System of the Federal Government or prohibited from being awarded a contract according to the Auditor of State Unresolved Findings for Recovery Certified Search.

1. Amount of additional funds: Total amount of additional funds needed for this contract modification is \$150,000.00. Total contract amount including this modification is \$200,000.00.

2. Reason additional funds were not foreseen: The potential need for additional funds was known and provided for at the time of the initial contract.

3. Reason other procurement processes were not used: Work under this modification is a continuation of services included in the scope of the original contract. No lower pricing/more attractive terms and conditions are anticipated at this time.

4. How was cost determined: The City and contractor agreed upon a blended rate of \$250.00 per hour for services which will be paid after the submittal of a detailed monthly invoice documenting the work performed in completion of the scope of services.

FISCAL IMPACT: \$150,000.00 is available within the Department of Public Safety's 2024 General Fund Budget for this contract modification. **This ordinance is contingent upon passage of the 2024 General Fund Budget via Ordinance 3011-2023.**

\$44,928.20 was spent in 2023

\$0.00 was spent in 2022

EMERGENCY DESIGNATION: The City Attorney's Office and the Department of Public Safety respectfully request this legislation be considered as an emergency in order to pay outstanding invoices and avoid interruption of outside legal counsel services.

To authorize the City Attorney to modify an existing contract with Isaac Wiles Burkholder & Teetor, LLC, for outside legal counsel services for the case of *Shaw v. Wozniak, et al*, 2:23-cv-00942, pending in the United States District Court for the Southern District of Ohio; to authorize the expenditure of \$150,000.00 from the General Fund; and to declare an emergency. (\$150,000.00)

WHEREAS, the case of *Shaw v. Wozniak, et al*, 2:23-cv-00942, pending in the United States District Court for the Southern District of Ohio, Eastern Division, was filed on March 13, 2023 naming as defendants the City of Columbus as well as former Department of Public Safety employee Richard Wozniak; and

WHEREAS, the Ohio Rules of Professional Conduct require that outside counsel be retained; and

WHEREAS, Isaac Wiles & Burkholder, 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, it is necessary to change the name of Isaac Wiles Burkholder & Teetor, LLC to Isaac Wiles & Burkholder, LLC due to a change in name of the outside counsel firm; 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, to avoid interruption of outside legal counsel services, for the immediate preservation of the public peace, health, property, and safety; **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 April 25, 2023 with Isaac Wiles Burkholder & Teetor, LLC for special legal counsel services to represent the City of Columbus in the case of *Shaw v. Wozniak, et al*, 2:23-cv-00942, 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 \$200,000.00, which maximum amount may not be exceeded without approval of additional modification by Columbus City Council, and to change the name of the outside counsel firm from Isaac Wiles Burkholder & Teetor, LLC to Isaac Wiles & Burkholder, LLC.

SECTION 2. That the funds necessary to carry out the purpose of this ordinance are hereby deemed appropriated, and the City Auditor shall establish such accounting codes as necessary.

SECTION 3. That for the purposes stated in Section 1, the expenditure of \$150,000.00, or so much thereof as may be necessary, be and is hereby authorized in General Fund 1000, object class 03 Services per the accounting codes in the attachment to this ordinance.

SECTION 4. 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.