Legislation Details (With Text)

File #:	2630-2020 **Version:** 1		
Type:	Ordinance	**Status:**	Passed
File created:	11/12/2020	**In control:**	Criminal Justice & Judiciary Committee
On agenda:	11/23/2020	**Final action:**	11/25/2020
Title:	To authorize the City Attorney to enter into a contract for special legal counsel 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 transfer of appropriation within, and the expenditure of $40,000.00, from the General Fund; and to declare an emergency. ($40,000.00)		
Sponsors:			
Indexes:			
Code sections:			
Attachments:	1. Ord 2630-2020 Mango v Columbus		

Date	Ver.	Action By	Action	Result
11/25/2020	1	CITY CLERK	Attest	
11/24/2020	1	MAYOR	Signed	
11/23/2020	1	COUNCIL PRESIDENT	Signed	
11/23/2020	1	Columbus City Council	Approved	Pass

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. It is now anticipated that employees of the City Attorney's Office will be called as fact witnesses in this case. Therefore, in accordance with the Ohio Rules of Professional Conduct, outside counsel must be retained to represent the City.

FISCAL IMPACT: This contract will be funded by the City Attorney's Office. The amount of this contract is not to exceed $40,000.00.

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 enter into a contract for special legal counsel 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 transfer of appropriation within, and the expenditure of $40,000.00, from the General Fund; and to declare an emergency. ($40,000.00)

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, it is now anticipated that employees of the City Attorney's Office will be called as fact witnesses in this case; and

WHEREAS, the Ohio Rules of Professional Conduct require that outside counsel be retained where it is anticipated that employees of the City Attorney's Office would be 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,

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 enter into a contract with Isaac Wiles Burkholder & Teetor LLC immediately in order to meet existing filing deadlines; **NOW, THEREFORE,**

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

SECTION 1. That the City Attorney is hereby authorized to enter into a contract 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.

SECTION 2. That for the purposes stated in Section 1, the amount of $40,000.00, or so much thereof as may be necessary, be and is hereby authorized to be transferred within and expended from the 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.

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