



Legislation Details (With Text)

File #: 2536-2021 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 9/29/2021 **In control:** Criminal Justice & Judiciary Committee

On agenda: 10/25/2021 **Final action:** 10/27/2021

Title: To authorize the City Attorney to modify an existing contract for special prosecution with Kathleen Garber, Attorney at Law, 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 transfer of \$8,000.00; to authorize the expenditure of up to \$8,000.00 from General Operating Fund; and to extend the term of the contract. (\$8,000.00)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Ord 2536-2021 Garber contract modification and \$ transfer

| Date | Ver. | Action By | Action | Result |
|------------|------|-----------------------|-------------------------|--------|
| 10/27/2021 | 1 | CITY CLERK | Attest | |
| 10/26/2021 | 1 | MAYOR | Signed | |
| 10/25/2021 | 1 | COUNCIL PRESIDENT | Signed | |
| 10/25/2021 | 1 | Columbus City Council | Approved | Pass |
| 10/18/2021 | 1 | Columbus City Council | Read for the First Time | |

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 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 and modified again on April 12, 2021 per Ordinance No. 0860-2021 passed on April 5, 2021, to allow for continued representation. This additional modification is needed to extend the term of the existing contract and continue this representation uninterrupted.

FISCAL IMPACT: This contract modification will be funded by the City Attorney's Office. The amount of the contract modification is \$8,000.00. The total amount of this contract, as modified, is \$88,000.00.

COMPANY: Kathleen Garber, Attorney at Law, Vendor No.: 033533, 8012 Golfview Court, Columbus, OH 43235

To authorize the City Attorney to modify an existing contract for special prosecution with Kathleen Garber, Attorney at Law, 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 transfer of \$8,000.00; to authorize the expenditure of up to \$8,000.00 from General Operating Fund; and to extend the term of the contract.

(\$8,000.00)

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, Attorney at Law, 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 and modified again on April 12, 2021 per Ordinance No. 0860-2021 passed on April 5, 2021 to allow for continued representation;

WHEREAS, this modification will provide the funds necessary for a continuation of those services; and

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

WHEREAS, it is in the best interest of the City to authorize the City Attorney to modify the contract with Kathleen Garber, Attorney at Law in order to allow for continued representation 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, and April 12, 2021 with Kathleen Garber, Attorney at Law 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 in an amount not to exceed \$88,000.00 and to extend the term of the contract to until such time as the need for outside legal counsel concludes or the parties mutually agree to terminate the Contract.

Section 2. That the transfer of \$8,000.00 or so much thereof as may be needed, is hereby authorized from Fund 1000 General Operating, Department 45 Finance to Fund 1000 General Operating, Department 24 City Attorney, per the account codes in the attachment to this ordinance.

Section 3. That for the purposes stated in Section 1, the amount of \$8,000.00 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 4. 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 5. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.