



Legislation Details (With Text)

File #: 2378-2023 **Version:** 1
Type: Ordinance **Status:** Passed
File created: 8/14/2023 **In control:** Administration Committee
On agenda: 9/11/2023 **Final action:** 9/13/2023

Title: To authorize the City Auditor to appropriate \$100,000.00 from the unappropriated balance of the employee benefits fund; to authorize the Human Resources Director to modify and increase the existing contract with Baker & Hostetler LLP, for the provision of labor negotiation, legal consultation, and assistance; to authorize the additional expenditure of \$100,000.00 from the employee benefits fund, or so much thereof as may be necessary, to pay the costs of said contract; and to declare an emergency. (\$100,000.00)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Attachment NEW Baker #2 Ord. 2378-2023.pdf

Date	Ver.	Action By	Action	Result
9/13/2023	1	CITY CLERK	Attest	
9/12/2023	1	MAYOR	Signed	
9/11/2023	1	COUNCIL PRESIDENT PRO-TEM	Signed	
9/11/2023	1	Columbus City Council	Approved	Pass

BACKGROUND: The Director of Human Resources seeks the authority to modify and increase the contract currently in effect with the law firm of Baker & Hostetler LLP for collective bargaining negotiations and related activities. The city entered into the original contract earlier this year (Ord. 0106-2023) to provide labor relations assistance because of their long history and experience representing the City of Columbus in negotiations with bargaining units. Costs initially legislated, per Ordinance 0106-2023, totaled \$300,000.00; this modification provides for additional expenses related to legal counsel for labor negotiations and related activities. This legislation serves to increase the maximum obligation liability by \$100,000.00, bringing the total contract obligation to \$400,000.00. In addition, this ordinance serves to appropriate sufficient funds to allow this expenditure to occur.

It would not be in the City's best interests to have additional contract requirements awarded through other procurement processes specified in Chapter 329 of the Columbus City Codes because the law firm of Baker & Hostetler LLP continues to bring a wealth of institutional knowledge and experience in ongoing labor negotiations and related activities with the City of Columbus and because the potential of changing outside legal counsel in the midst of collective bargaining negotiations would be detrimental to the City. Costs associated with several ongoing negotiations were underestimated in the initial contract. An analysis of year to date expenditures for the balance of the contract year supports this increase.

This legislation authorizes the appropriation of \$100,000.00 from the unappropriated balance of the employee benefits fund, authorizes the Human Resources Department Director to modify and increase the current contract with Baker & Hostetler LLP by \$100,000.00, and, further, authorizes the expenditure of the additional \$100,000.00 to compensate for legal services rendered in conjunction with collective bargaining negotiations and related activities.

The City Attorney has determined it appropriate and does approve of the use of Baker & Hostetler LLP for the purposes described in this ordinance, and for the purposes described in the original contract, which was authorized pursuant to

Ordinance 0106-2023, adopted by City Council on January 30, 2023.

FISCAL IMPACT: Sufficient funds are available in the employee benefits fund for this additional appropriation and will be appropriated to the Department of Human Resources employee benefits administration subfund.

Baker & Hostetler LLP's contract compliance number is 340082025.

Emergency Action: Emergency action is being requested to allow for continued representation by the law firm of Baker & Hostetler LLP in collective bargaining negotiations and related activities.

To authorize the City Auditor to appropriate \$100,000.00 from the unappropriated balance of the employee benefits fund; to authorize the Human Resources Director to modify and increase the existing contract with Baker & Hostetler LLP, for the provision of labor negotiation, legal consultation, and assistance; to authorize the additional expenditure of \$100,000.00 from the employee benefits fund, or so much thereof as may be necessary, to pay the costs of said contract; and to declare an emergency. (\$100,000.00)

WHEREAS, the law firm of Baker & Hostetler LLP was originally engaged to provide representation of the City of Columbus in conjunction with collective bargaining negotiations and related activities pursuant to Ordinance 0106-2023, adopted by City Council on January 30, 2023, for a maximum contractual obligation of \$300,000.00; and

WHEREAS, it is in the best interest of the City of Columbus to modify and increase the existing contract with Baker & Hostetler LLP due to unforeseen expenses, and to allow for the continued legal consultation for labor negotiations and related activities; and

WHEREAS, it is necessary to add additional appropriation authority of \$100,000.00; and

WHEREAS, it is necessary to authorize the expenditure of up to an additional \$100,000.00, or so much thereof as may be necessary, to pay contract costs for legal counsel in labor negotiations and related activities; and

WHEREAS, pursuant to City Charter Sections 66 through 78 and Chapter 125 of the City Codes, the City Attorney has determined it appropriate and does approve of the use of Baker & Hostetler LLP for the purposes described in this ordinance, and for the purposes described in the original contract, which was authorized pursuant to Ordinance 0106-2023; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Human Resources in that it is immediately necessary to authorize the Director to modify and increase the existing contract amount with Baker & Hostetler LLP by \$100,000.00 to ensure the city is provided legal counsel for current and upcoming labor negotiations and related activities, and to ensure the City is able to pay its outside legal counsel costs, thereby preserving the public health, peace, property, safety and welfare; **NOW, THEREFORE**,

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

SECTION 1. That from the monies in and from all monies estimated to come into the Employee Benefits Fund 5502, from any and all sources during the 12 months ending December 31, 2023, the following appropriations are hereby authorized and directed per the attachment.

SECTION 2. That the Human Resources Director is hereby authorized to modify and increase the existing contract with Baker & Hostetler LLP by \$100,000.00, to ensure the city is provided legal counsel for current and upcoming labor negotiations and related activities, for a total contractual obligation of \$400,000.00. Apart from the increase in the contract amount, the scope of services remains the same.

SECTION 3. That council acknowledges the determination by the City Attorney approving the use of Baker & Hostetler

LLP for the purposes described in this ordinance.

SECTION 4. That from the unappropriated monies and from all monies estimated to come into said fund from any and all sources and unappropriated for any other purpose during the fiscal year ending December 31, 2023, the sum of \$100,000.00 is appropriated in Fund 5502, employee Benefits fund, Human Resources Department, 4601, in object class 03, Services, per the accounting codes in the attachment to this ordinance; and

SECTION 5. That the expenditure of \$100,000.00 or so much thereof as may be necessary is hereby authorized to be expended from the employee benefits fund 5502 in object class 03 Services, per the accounting codes in the attachment to this ordinance.

SECTION 6. 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 7. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is 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.