



Legislation Text

File #: 0860-2021, **Version:** 1

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 event that the prosecution of City employees of the Columbus Division of Police is warranted for potential 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 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. This contract modification is needed to continue this representation uninterrupted.

FISCAL IMPACT: This contract modification will be funded by the City Attorney's Office. The amount of this contract is not to exceed \$80,000.00.

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 potential prosecution of matters pertaining to alleged criminal wrongdoing by City Division of Police employees associated with the police response to the George Floyd protests in amount not to exceed \$80,000.00; to authorize the transfer of \$50,000.00; to authorize the expenditure of up to \$50,000.00 from the General Operating Fund; and to declare an emergency. (\$50,000.00)

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 event that the prosecution of City employees of the Columbus Division of Police is warranted for potential 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 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;

WHEREAS, this contract 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 contract modification; 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 Kathleen Garber, Attorney at Law immediately in order to facilitate payment of legal bills and provide for uninterrupted services in her 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 August 10, 2020 and subsequently modified on October 7, 2020 and January 31, 2021, with Kathleen Garber, Attorney at Law for special prosecution legal services to the City Attorney with regard to alleged 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 \$80,000.00.

SECTION 2. That the transfer of \$50,000.00 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 \$50,000.00 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 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.