



Legislation Text

File #: 2139-2021, **Version:** 1

BACKGROUND: The case of *Icon Entertainment, et al. v. Rosser, et al.*, Case No. 2:20-cv-00101, pending in the United States District Court for the Southern District of Ohio, Eastern Division, was filed on January 14, 2019, and names two individual Columbus Police Officers and the City of Columbus. Due to a potential conflict of interest, it was necessary for the City Attorney's office to retain outside counsel to represent the individual officers. The City Attorney's office entered into a special legal counsel contract with Crabbe, Brown & James LLP on February 27, 2020. On September 14, 2020, Council passed Ordinance No. 1948-2020 authorizing the City Attorney to enter into a Modification of Special Counsel Agreement ("1st Modification") to allow for the expenditure of an additional \$110,000. The 1st Modification was executed on October 28, 2020. It is now necessary to modify the contract once again in order to continue to provide the statutorily required representation.

FISCAL IMPACT: This contract modification will be funded by the Department of Public Safety. The amount of this contract modification is \$110,000.00. The total amount of the contract, as modified, is \$240,000.00.

COMPANY: Crabbe, Brown & James LLP, Vendor No.: 004294, FID: 31-0787394
500 S Front St, Ste 1200, Columbus, OH 43215

To authorize the City Attorney to modify an existing contract for special legal counsel services with Crabbe, Brown & James LLP, for the case of *Icon Entertainment, et al. v. Rosser, et al.*, Case No. 2:20-cv-00101, pending in the United States District Court for the Southern District of Ohio; to authorize the expenditure of \$110,000.00 from the General Fund; and to declare an emergency. (\$110,000.00)

WHEREAS, due to a conflict of interest, the City Attorney has a need for special legal services with regard to the case of *Icon Entertainment, et al. v. Rosser, et al.*, Case No. 2:20-cv-00101, pending in the United States District Court for the Southern District of Ohio; and,

WHEREAS, the City Attorney and Crabbe, Brown & James LLP entered into a special counsel contract on February 27, 2020 to provide special legal services on behalf of the City Attorney and the Department of Public Safety with regard to matters pertaining to the litigation; and,

WHEREAS, on September 14, 2020, Council passed Ordinance No. 1948-2020 authorizing the City Attorney to enter into a Modification of Special Counsel Agreement ("1st Modification") to allow for the expenditure of an additional \$110,000; and,

WHEREAS, The 1st Modification was executed on October 28, 2020; and,

WHEREAS, this modification will provide for continuation of those services; and,

WHEREAS, the Department of Public Safety has determined that additional funds are needed for this 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 Crabbe, Brown & James LLP immediately in order to provide for uninterrupted services in their 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 February 27, 2020 with Crabbe, Brown & James LLP for special legal counsel to provide special legal services to the City Attorney and the Department of Public Safety with regard to the case of *Icon Entertainment, et al. v. Rosser, et al., Case No. 2:20-cv-00101*, 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 \$240,000.00, which maximum amount may not be exceeded without approval of additional modification by Columbus City Council.

SECTION 2. That the expenditure of up to \$110,000.00, or so much thereof as may be needed pursuant to the action authorized in Section 1, is hereby authorized in the General Fund 1000, per the account codes in the attachment to this ordinance.

SECTION 3. That for the reasons stated in the preamble hereto, which is 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.