



## Legislation Text

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**File #:** 3075-2022, **Version:** 1

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**BACKGROUND:** The City has been exploring the various legal options that may be available to help deal with the ongoing substantial increase in thefts of Kia and Hyundai vehicles. These vehicles have been found to lack any anti-theft alarm systems when a window is broken. They also lack engine immobilizers which are devices that do not allow the car to start without the correct key present. Thieves can break into a car and turn the ignition in a matter of minutes.

Along with vehicle thefts, Columbus is experiencing instances of armed robberies, aggravated assaults, and reckless driving leading to serious crashes. A preliminary analysis from the Columbus Police Department shows that there is a 42% spike in motor vehicle thefts, with specific thefts of Kia and Hyundai cars increasing over 475% over the past year. In short, the design choices of Kia and Hyundai have saddled the City with a massive public nuisance.

The City Attorney's office is in need of special legal counsel to assist in pursuing legal options, including but not limited to, possible litigation against the vehicle manufacturers. After consideration, the City Attorney has selected the law firm of Allen, Stovall, Neuman, & Ashton LLP to serve as special legal counsel for this matter.

**FISCAL IMPACT:** While there is no cost to the City as a result of this contract, City Council approval is being sought due to the legally binding commitment being made therein to pay attorney fees and reimburse for reasonable litigation expenses solely on a contingency basis from any recovery related to the portion of any matter resolved in favor of the City.

To authorize the City Attorney to enter into contract with Allen, Stovall, Neuman, & Ashton LLP for special legal counsel services regarding nuisance matters pertaining to thefts of Kias and Hyundais; and to declare an emergency.

**WHEREAS,** the City Attorney has a need for special legal services with regard to nuisance matters pertaining to thefts of Kias and Hyundais affecting the City; and

**WHEREAS,** after consideration, the City Attorney has selected the law firm of Allen, Stovall, Neuman, & Ashton LLP to serve as special legal counsel for these matters; and

**WHEREAS,** while there is no upfront cost to the City, City Council approval is being sought due to the legally binding commitment being made therein to pay attorney fees and reimburse for reasonable litigation expenses solely on a contingency basis from any recovery related to the portion of any matter resolved in favor of the City; 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 enter into a contract with Allen, Stovall, Neuman, & Ashton LLP in order to allow the assistance of special counsel to commence immediately during this ongoing nuisance action for the preservation of the public health and safety; **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 contract with Allen, Stovall, Neuman, & Ashton LLP for special legal counsel services regarding thefts of Kias and Hyundais affecting the City.

**Section 2.** That said contract shall provide that there shall be no obligation by the City to pay any fee to special legal counsel or reimburse them for reasonable litigation expenses if nothing is recovered from any adversary and that the City agrees to pay attorney fees and reimburse for reasonable litigation expenses solely on a contingency basis from any recovery related to the portion of any matter resolved in favor of the City.

**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.