



Legislation Text

File #: O-132-19, **Version:** 1

Authorizing expenditure for outside counsel 3 7 19
Department of Law
D. Emch (x2384)

Authorizing the Mayor and the Director of Law to enter into any necessary agreements with the law firm of Spengler Nathanson for the provision of professional assistance on behalf of the City of Toledo in litigation captioned *Drewes Farm Partnership v. City of Toledo*; authorizing the expenditure of \$50,000 from the Risk Management Fund; and declaring an emergency.

SUMMARY & BACKGROUND:

Voters participating in a special election held on February 26, 2019, passed an amendment to the City of Toledo Charter titled Lake Erie Bill of Rights (“LEBOR”). *Drewes Farm Partnership* filed on February 27, 2019, a lawsuit in the U.S. District Court, Northern District of Ohio, against the City of Toledo. The lawsuit generally alleges that the amendment is unconstitutional and violates Ohio and federal law.

As the result of the potential for a conflict of interest, it is necessary to retain outside counsel to assist the City in this litigation. This ordinance seeks authorization for monies to pay outside counsel.

NOW, THEREFORE, Be it ordained by the Council of the City of Toledo:

SECTION 1. That the Mayor and Director of Law are authorized to enter into any necessary agreements with the law firm of Spengler Nathanson to provide legal services and litigation expenses in the case of *Drewes Farm Partnership v. City of Toledo*.

SECTION 2. That an expenditure in the amount of \$50,000 is authorized from the Risk Management Fund, Account Code 7095-12000-1157001STDSTD, for the purpose listed in Section 1.

SECTION 3. That the Director of Finance is authorized to draw his warrant or warrants against the above listed account code in payment of the authorized obligations upon presentation of proper voucher or vouchers.

SECTION 4. That this ordinance, being an emergency measure, shall take effect and be in force from and after its passage. The reason for the emergency lies in the fact that this ordinance is necessary for the immediate preservation of public peace, health, safety and property and for further reason that this ordinance must immediately be effective so the City may promptly pay obligations incurred in the case of *Drewes Farm Partnership v. City of Toledo*.

Vote on emergency clause: yeas _____, nays _____.

Passed: _____, as an emergency measure: yeas _____, nays _____.

Attest: _____
Clerk of Council

President of Council

Approved: _____

Mayor

I hereby certify that the above is a true and correct copy of an Ordinance passed by Council

_____.

Attest: _____
Clerk of Council