



CITY OF ALBUQUERQUE
Albuquerque, New Mexico
Office of the Mayor


EC-19-433

Mayor Timothy M. Keller

INTER-OFFICE MEMORANDUM

June 18, 2019

TO: Klarissa Peña, President, City Council

FROM: Timothy M. Keller 

SUBJECT: **Approval of the First Supplemental Agreement to add monies for FY19 Outside Counsel Legal Services between Law Office of Jonlyn Martinez and the City of Albuquerque**

Transmitted herewith for City Council consideration and approval is a proposed First Supplemental Agreement to add monies for FY19 Outside Counsel Legal Services between Law Office of Jonlyn Martinez and the City of Albuquerque for continuing representation of the City and/or City officials in the following Risk Management cases:

Villarreal, Nubia v. City of Albuquerque, D-202-CV-2018-00888

Fleming, Delmar v. City of Albuquerque, D-202- CV-2014-05954

Farfan, Dino v. City of Albuquerque, D-202-CV-2018-00474

Hernandez, Alfonso v. City of Albuquerque, CIV-00394 KBM/ACT

Robin Hammer v. City of Albuquerque, et al: D-202-CV-2017-02941

The First Supplemental Agreement adds One Hundred Twenty-Five Thousand Dollars to the Original Agreement, bringing the aggregate total of the Agreement to Two Hundred Thousand Dollars.

Council approval is required pursuant to § 5-5-19, Approval of Contracts, ROA 1994 of the City's Public Purchasing Ordinance. I am forwarding this Supplemental Agreement for your consideration and action.

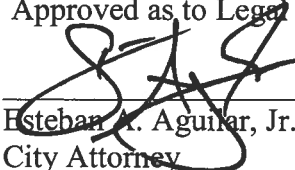
SUBJECT: Approval of the First Supplemental Agreement to add monies for FY19 Outside Counsel Legal Services between Law Office of Jonlyn Martinez and the City of Albuquerque

Approved:



Sarita Nair Date
6/27/19
Chief Administrative Officer


Approved as to Legal Form:



Esteban A. Aguilar, Jr. Date
6-21-2019
City Attorney



Recommended:



Risk Manager Date
6/18/19

Cover Analysis

1. What is it?

Approval of the First Supplemental Agreement to add monies for FY19 Outside Counsel Legal Services between Law Office of Jonlyn Martinez and the City of Albuquerque.

2. What will this piece of legislation do?

This piece of legislation provides the approval required by § 5-5-19, Approval of Contracts, ROA 1994 of the City's Public Purchasing Ordinance and allows the continuation of representation in the Risk Management cases assigned to the Legal Department.

3. Why is this project needed?

This is needed to continue with the litigation process for the cases referenced. These cases were referred to outside counsel for the special expertise of the firm and workload management.

4. How much will it cost and what is the funding source?

This First Supplemental Agreement adds One Hundred Twenty-Five Thousand Dollars to the Original Agreement, bringing the aggregate total of the Agreement to Two Hundred Thousand Dollars. The Risk Management liability program funds this Legal Services Agreement.

5. Is there a revenue source associated with this Plan? If so, what level of income is projected?

N/A

FISCAL IMPACT ANALYSIS

TITLE: FY19 Outside Counsel for Legal Services Agreement between Law Office of Jonlyn Martinez LLC and the City of Albuquerque

EC
FUND: 705

DEPT: Finance and Admin Svc

- No measurable fiscal impact is anticipated, i.e., no impact on fund balance over and above existing appropriations.
- (If Applicable) The estimated fiscal impact (defined as impact over and above existing appropriations) of this legislation is as follows:

	2019	Fiscal Years 2020	2021	Total
Base Salary/Wages	-	-	-	-
Fringe Benefits at	-	-	-	-
Subtotal Personnel	-	-	-	-
Operating Expenses	-	-	-	-
Property	-	-	-	-
Indirect Costs	-	-	-	-
Total Expenses	\$ -	\$ -	\$ -	\$ -
[] Estimated revenues not affected				
[] Estimated revenue impact				
Revenue from program				0
Amount of Grant		-	-	
City Cash Match				
City Inkind Match				
City IDOH		-	-	
Total Revenue	\$ -	\$ -	\$ -	\$ -

These estimates do not include any adjustment for inflation.

* Range if not easily quantifiable.

Number of Positions created

COMMENTS: This piece of legislation provides the approval required by § 5-5-19, Approval of Contracts, ROA 1994 of the City's Public Purchasing Ordinance and allows the continuation of representation in the Risk Management cases assigned to the Legal Department.

COMMENTS ON NON-MONETARY IMPACTS TO COMMUNITY/CITY GOVERNMENT:

PREPARED BY:

APPROVED:

Carmelita 6-18-19
FISCAL ANALYST / Finance Manager

Renée Martinez 6/19/19
DIRECTOR (date)

REVIEWED BY:

Nape Aranda
EXECUTIVE BUDGET ANALYST

Carmelita 6/19/19
BUDGET OFFICER (date)

CBue 6/19/19
CITY ECONOMIST

**FIRST SUPPLEMENTAL AGREEMENT
TO LEGAL SERVICES AGREEMENT
BETWEEN
LAW OFFICE OF JONLYN M. MARTINEZ, LLC
AND THE CITY OF ALBUQUERQUE**

THIS FIRST SUPPLEMENTAL AGREEMENT is made and entered into this _____ day of _____, _____, by and between the City of Albuquerque, New Mexico, a municipal corporation (hereinafter referred to as the "City"), and Law Office of Jonlyn M. Martinez, LLC, a New Mexico limited liability corporation, whose address is P.O. Box 1805, Albuquerque, NM 87103-1805 (hereinafter referred to as the "Contractor").

RECITALS

WHEREAS, the City and Contractor entered into an Agreement, dated July 1, 2018 hereinafter referred to as the "Original Agreement", whereby the Contractor agreed to render certain professional services to the City; and

WHEREAS, the City has determined that additional services are required; and

WHEREAS, the Contractor is agreeable to providing additional services in accordance with the terms of the Original Agreement as amended herein.

NOW, THEREFORE, in consideration of the premises and mutual obligations herein, the parties hereto do mutually agree as follows:

1. Section 3A of the Original Agreement is hereby amended to read as follows:

Compensation. The City agrees to pay the Contractor up to the amount of Two Hundred Thousand and No/100 Dollars (\$200,000.00), for Services performed (the "Compensation"), plus reimbursement of expenses as provided in Section 3.C. below and any applicable gross receipts taxes on such amounts. Such amounts shall constitute full and complete compensation for the Contractor's Services under this Agreement. Both Parties shall be responsible for assuring that the Contractor does not bill for Services in an amount exceeding the contract amount. The Contractor shall provide monthly ledger reports to the City Attorney identifying the total amount the Contractor has billed for Services under this Agreement. The required monthly ledger reports can be included in the Contractor's monthly invoice. If at any time the Contractor determines that payment for Services may exceed the contract amount, the Contractor shall notify the City Attorney's Office in writing.

2. Except as herein expressly amended, the terms and conditions of the Original Agreement shall remain unchanged and shall continue in full force and effect unless there is a conflict between the terms and conditions of the Original Agreement and this First Supplemental Agreement, in which event, the terms and conditions of this First Supplemental Agreement shall control.

3. This Agreement shall not become effective or binding until all required signatures have been obtained.

THIS SPACE INTENTIONALLY LEFT BLANK

IN WITNESS WHEREOF, the City and the Contractor have executed this First Supplemental Agreement as of the date first above written.

CITY OF ALBUQUERQUE

**CONTRACTOR: Law Office of
Jonlyn M. Martinez, LLC**

Approved By:

By: _____

Sarita Nair
Chief Administrative Officer

Title: _____

Date: _____

Esteban A. Aguilar, Jr.
City Attorney

Date: _____

B. Jesse Muniz
Chief Administrative Officer

Date: _____
