

CITY OF ALBUQUERQUE
Albuquerque, New Mexico
Office of the Mayor

Mayor Timothy M. Keller

INTER-OFFICE MEMORANDUM 1/20/20

TO: Cynthia Borrego, President, City Council

FROM: Timothy M. Keller, Mayor

A handwritten signature in black ink, consisting of a large, stylized letter 'K'.

SUBJECT: Approval of the First Supplemental Agreement to add monies for FY21 outside Counsel Legal Services between Kennedy, Moulton & Wells, P.C. and the City of Albuquerque

Transmitted herewith for City Council consideration and approval is a proposed First Supplemental Agreement for FY21 Outside Counsel Legal Services between Kennedy, Moulton & Wells, P.C. and the City of Albuquerque for continuing representation of the City and/or City officials in the following Risk Management cases:

Chavez, Reynaldo L. v. COA et. Al; CV-2016-0086; Risk No. 15-02557
McClendon, Jimmy (Billy) et. Al v. COA; 6:95-CV-00024; Risk No. 16-00268
Loggins Jr., Aaron B. v. COA; CV-2017-00296; Risk No. 15-02486-1
Atencio, Christine (PR) et. Al V. COA; D-202-CV-2020-00502; Risk No. AU-1-14084
Martinez, Mary v. COA and Alan Armijo; D-202-CV-2019-06935; Risk No. 19-14726
- And other Risk cases as assigned


The First supplemental agreement adds thirty one thousand dollars to the original agreement, bringing the aggregate total of the agreement to one hundred thirty one 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 Agreement for your consideration and action.

SUBJECT: Approval of the First Supplemental Agreement to add monies for FY21 outside Counsel Legal Services between Kennedy, Moulton & Wells, P.C. and the City of Albuquerque

Approved:

Approved as to Legal Form:

 2/16/21
Sarita Nair Date
Chief Administrative Officer

DocuSigned by:
Esteban A. Aguilar, Jr. 2/10/2021 | 1:42 PM MST DS
7981D99D046F4DB...
Esteban A. Aguilar, Jr. Date 
City Attorney

Recommended:

DocuSigned by:
Jeannette Chavez 2/10/2021 | 12:54 PM MST
6399AC1BB5C845E...
Jeannette Chavez Date
Risk Manager

Cover Analysis

1. What is it?

Approval of the First Supplemental Agreement to add monies for FY21 Outside Counsel Legal Services between Kennedy, Moulton & Wells, P.C. 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 thirty one Thousand dollars to the Original Agreement, bringing the aggregate total of the Agreement to one hundred thirty one 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: FY21 Outside Counsel for Legal Services Agreement between Kennedy, Moulton & Wells P.C. and the City of Albuquerque R: EC O:
 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:

	Fiscal Years			
	2021	2022	2023	Total
Base Salary/Wages				-
Fringe Benefits at				-
Subtotal Personnel	-	-	-	-
Operating Expenses		-		-
Property		-	-	-
Indirect Costs	-	-	-	-
Total Expenses	\$ -	\$ -	\$ -	\$ -
<input type="checkbox"/> Estimated revenues not affected				
<input type="checkbox"/> 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: Krystle Hernandez

APPROVED:

DocuSigned by: Krystle Hernandez 2/10/2021 | 11:20 AM MST Alvin B. Gutierrez 2/10/2021 | 12:45 PM MST Kevin Martinez 2/10/2021 | 12:15 PM PST Esteban A. Aguilar, Jr. 2/10/2021 | 1:42 PM MST

REVIEWED BY:

DocuSigned by: Jayne Aranda 2/10/2021 | 1:18 PM MST Lawrence L. Davis 2/10/2021 | 1:28 PM MST Christine Boerner 2/10/2021 | 1:34 PM MST

EXECUTIVE BUDGET ANALYST

BUDGET OFFICER (date)

CITY ECONOMIST

**FIRST SUPPLEMENTAL AGREEMENT
BETWEEN
KENNEDY, MOULTON & WELLS P.C.
AND THE CITY OF ALBUQUERQUE**

THIS AGREEMENT is made and entered into as of the last dated City signature below, by and between City of Albuquerque, New Mexico, a municipal corporation (hereinafter referred to as the "City"), and Kennedy, Moulton & Wells P.C. (hereinafter referred to as the "Contractor").

RECITALS

WHEREAS, the City and Contractor entered into an Agreement, dated 7/1/2020 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 compensation is needed for continuation of Services; and

WHEREAS, the Contractor is agreeable to the changes.

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. For performing the Services specified in Section 1 hereof, the City agrees to pay the Contractor an additional Thirty one thousand dollars (\$31,000.00) up to the amount of one hundred thirty one thousand and No/100 Dollars (\$131,000.00), which amount includes any applicable gross receipts taxes and which amount shall constitute full and complete compensation for the Contractor's Services under this Agreement, including all expenditures made and expenses incurred by the Contractor in performing the Services.

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 binding upon the City until approved by the highest approval authority of the City required under this Agreement.

4. **Electronic Signatures:** Authenticated electronic signatures are legally acceptable pursuant to Section 14-16-7 NMSA 1978. The Parties agree this First Supplemental Agreement may be electronically signed and that the electronic signatures appearing on the agreement are the same as handwritten signatures for the purposes of validity, enforceability, and admissibility.

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