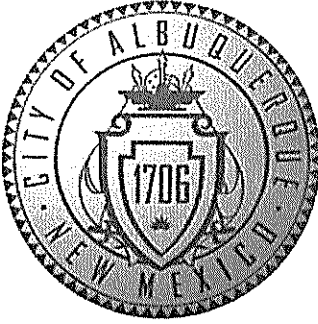


EC-21-355




Mayor Timothy M. Keller

CITY OF ALBUQUERQUE
Albuquerque, New Mexico
Office of the Mayor

INTER-OFFICE MEMORANDUM 5/7/2021

TO: Cynthia Borrego, President, City Council

FROM: Timothy M. Keller, Mayor 

SUBJECT: Approval of the Second Supplemental Agreement for Roderick Kennedy to add funds to continue legal services

Transmitted herewith for City Council consideration and approval is a proposed Second Supplemental Agreement for Roderick Kennedy to add funds to continue the following legal services:

- Review Force Review Board (FRB) materials;
- Provide attorney-client privileged legal advice to the FRB members by the deadline given by the Albuquerque Police Department (APD);
- Attend preparatory FRB meetings to discuss attorney-client privileged legal advice, as requested by APD;
- Attend FRB meetings as a legal advisor consistent with the duties outlined in APD Standard Operating Procedure (SOP) 2-58, Force Review Board;
- As requested, review FRB-related feedback from the Department of Justice and Independent Monitor in the case of *United States v. City of Albuquerque*, 14-cv-1024, attend meetings with the Department of Justice and Independent Monitor and preparatory sessions for same, and provide advice to the Department on operational improvements of the FRB.


The Second Supplemental Agreement is for One Hundred Thousand Dollars for a total contract balance of One Hundred Seventy 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 Second Supplemental Agreement for Roderick Kennedy to add funds to continue legal services

Approved:

Approved as to Legal Form:




Sarita Nair Date
Chief Administrative Officer 5/24/21

DocuSigned by:
Esteban A. Aguilar 5/13/2021 | 11:27 AM MDT
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Esteban A. Aguilar, Jr. Date
City Attorney

Recommended:



Harold Medina Date
Chief of Police 5/15/2021 | 4:51 AM PDT

Cover Analysis

1. What is it?

Approval of the Second Supplemental Agreement for Roderick Kennedy to add funds to continue legal services

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 legal services.

3. Why is this project needed?

This Supplement is needed to continue with the legal services referenced. This Agreement was 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 Second Supplemental Agreement is One Hundred Thousand Dollars for a total contract balance of One Hundred Seventy Thousand Dollars. The funding source is 110, 5116101, 520500.

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

N/A

FISCAL IMPACT ANALYSIS

TITLE: Second Supplemental Agreement, Legal Services Agreement between Roderick Kennedy, and the City of Albuquerque R: EC O:
 FUND: 110
 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 checked="" 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.

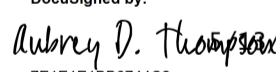
Number of Positions created

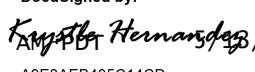
COMMENTS: This piece of legislation provides the approval required by § 5-5-19, Approval of Contracts, ROA 1994 of the City's Public Purchasing Ordinance and allows the continuation of legal services referenced.

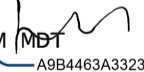
COMMENTS ON NON-MONETARY IMPACTS TO COMMUNITY/CITY GOVERNMENT:

PREPARED BY: Krystle Hernandez

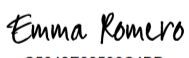
APPROVED:

DocuSigned by:

 2021 | 8:45 AM PDT
 FISCAL ANALYST

DocuSigned by:

 2021 | 9:11 AM MDT
 DIRECTOR (date)

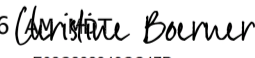
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 5/15/2021 | 4:51 AM PDT
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REVIEWED BY:

DocuSigned by:

 5/17/2021 | 9:18 AM MDT
 EXECUTIVE BUDGET ANALYST

DocuSigned by:

 5/17/2021 | 11:16 AM MDT
 BUDGET OFFICER (date)

DocuSigned by:

 5/17/2021 | 11:17 AM MDT
 CITY ECONOMIST

**SECOND SUPPLEMENTAL AGREEMENT
BETWEEN
JUDGE RODERICK KENNEDY
AND THE CITY OF ALBUQUERQUE**

THIS AGREEMENT is made and entered into as of the last dated City signature below, by and between the City of Albuquerque, New Mexico, a municipal corporation (hereinafter referred to as the "City"), and Ret. Judge Roderick Kennedy, an individual, PO Box 7041 Albuquerque, NM 87104 (hereinafter referred to as the "Contractor").

RECITALS

WHEREAS, the City and Contractor entered into an Agreement, dated 10/21/2020 hereinafter referred to as the "Original Agreement", whereby the Contractor agreed to render certain professional services to the City; and

WHEREAS, the City and Contractor entered into as First Supplemental Agreement dated 05/10/2021 to provide additional compensation in the amount of Twenty Thousand and No/100 Dollars \$20,000.00 for continuation of Services; and

WHEREAS, the City has determined that additional compensation in the amount of One Hundred Thousand and NO/100 Dollars (\$100,000.00) 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 up to the amount of One Hundred Seventy Thousand and NO/100 Dollars (\$170,000.00), which amount includes an additional One Hundred Thousand and NO/100 Dollars (\$100,000.00) added in this Second Supplemental Agreement to the Original Agreement, and which amount includes any applicable gross receipts taxes and 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 Second Supplemental Agreement, in which event, the terms and conditions of this Second 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.

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