

**THE CITY OF OKLAHOMA CITY
OFFICE OF
THE MUNICIPAL COUNSELOR**

Council Agenda
Item No.IX. CZ
6/20/2023

TO: Mayor and City Council

FROM: Kenneth Jordan, Municipal Counselor

Joint Resolution with the Oklahoma City Municipal Facilities Authority approving a Comprehensive Retainer Agreement with Gary J. James & Associates, for legal defense of City employees, not to exceed \$50,000 retroactive to July 1, 2022 through June 30, 2024.

The OCMFA has authority and responsibility to enter into retainer agreements with various attorneys who are highly skilled in the defense of claims that may be filed against City employees. The City Council, on July 6, 2021, previously approved the representation of a City employee via a Professional Services Agreement, by the office of Gary J. James & Associates in the lawsuit of *Cameo Holland v. The City of Oklahoma City, et al*, United States District Court for the Western District of Oklahoma Case No. CIV-32-275-J. The language of that Agreement provided that “This Agreement . . . shall remain in full force and effect until the conclusion of [the case].” At that time, the resolution approved the Agreement only through June 30, 2022; however, the litigation is ongoing, and the Agreement must be renewed consistent with the terms of the Agreement. The new Agreement will be a Comprehensive Retainer Agreement.

The Municipal Counselor’s Office has developed a panel of qualified attorneys and has previously prepared a professional services agreement with Gary J. James & Associates. The terms of these retainer agreements provide for outside counsel to provide legal services and representation to City employees, if City Council approves the hiring of outside counsel. The Agreement includes legal services of attorney Gary J. James. The contract provides a not-to-exceed amount of \$50,000.00. The firm of Gary J. James & Associates currently provides legal defense for a City employee in the above litigation. The terms of the contract will allow for continued representation.

Source of Funds:

General Fund – General Operations – Budget-Municipal Counselor – Budget-Other Services & Charges (001-0001-07001XX-52000001)

Review:

Municipal Counselor's Office

Recommendation: Joint Resolution be adopted.