

**CITY COUNCIL REGULAR SESSION**

Resolution authorizing execution of an amendment to the Agreement for Professional Services with Keating, Bucklin & McCormack, Inc., outside counsel for the City in the lawsuit of Kivlin v. City of Bellevue (USDC Case No. 2:20-cv-00790 RSM), increasing the contract to an amount not to exceed \$194,000, plus all applicable taxes.

Kathryn L. Gerla, City Attorney, 452-7220

Chad Barnes, Assistant City Attorney, 452-2061

*City Attorney's Office*

**EXECUTIVE SUMMARY**

This amendment to the Agreement for Professional Services with Keating, Bucklin & McCormack is necessary to cover the anticipated costs of litigation through trial in *Kivlin v. City of Bellevue*.

**RECOMMENDATION**

Move to adopt Resolution No. 10019

**BACKGROUND/ANALYSIS**

On April 28, 2020, former police officer John Kivlin filed this lawsuit against the City and two employees of the Bellevue Police Department alleging wrongful discharge, defamation, and violation of his constitutional rights. The City retained the legal services of Keating, Bucklin & McCormack, Inc., to defend the City and its employees in this matter. The matter is scheduled to proceed to trial on January 18, 2022, and additional funds are necessary to prepare for and proceed to trial.

**POLICY & FISCAL IMPACTS****Policy Impact**

Bellevue City Code 4.28 provides for the fair and equitable treatment of all persons involved in the purchasing process. Council approval is required to award the bid where the cost exceeds \$90,000.

**Fiscal Impact**

This action obligates the City to increase the total contract amount for legal services provided by Keating, Bucklin & McCormack, Inc., by \$119,000.

Original Contract	\$75,000
Amendment #1	\$119,000
<b>New Contract Total Amount</b>	<b>\$194,000</b>

Sufficient funds exist within the 2021-2022 biennial budget to fund this contract.

**OPTIONS**

1. Adopt the Resolution authorizing execution of an amendment to the Agreement for Professional Services with Keating, Bucklin & McCormack, Inc., outside counsel for the City in the lawsuit of Kivlin v. City of Bellevue (USDC Case No. 2:20-cv-00790 RSM), increasing the contract to an amount not to exceed \$194,000, plus all applicable taxes.

2. Do not adopt the Resolution and provide alternative direction to staff.

#### **ATTACHMENTS & AVAILABLE DOCUMENTS**

Proposed Resolution No. 10019

#### **AVAILABLE IN COUNCIL LIBRARY**

Amendment #1 to the Agreement for Services (Professional Services Contract)