



TO: Elizabeth Pauli, City Manager
FROM: Steve Victor, Deputy City Attorney, City Attorney's Office
William Fosbre, City Attorney, City Attorney's Office *W.F.*
COPY: City Council and City Clerk
SUBJECT: Resolution – Amendment to Legal Services Agreement with Keating, Bucklin,
& McCormack, Inc., P.S. – October 8, 2019
DATE: September 23, 2019

SUMMARY:

Authorize the execution of Amendment No. 1 to the Agreement for Legal Services with the law firm of Keating, Bucklin & McCormack, Inc., P.S., in the amount of \$50,000, for a cumulative total of \$250,000, for continued legal services in the matter of The Geo Group, Inc., v. City of Tacoma.

STRATEGIC POLICY PRIORITY:

- Strengthen and support a safe city with healthy residents.

BACKGROUND:

On April 11, 2018, the City entered into a Legal Services Agreement with the Law Firm to provide legal services and representation to the City in the matter of The Geo Group, Inc., v. City of Tacoma, U.S. District Court Cause No. 3:18-cv-05233. The lawsuit arises from the Council's adoption of amended regulations for Detention and Correctional Facilities in Tacoma via Amended Ordinance No. 28491, adopted February 20, 2018. The regulations prohibited new detention and correctional facilities in the Port Maritime Industrial District, and made any existing facilities a non-conforming use. GEO sued the City, claiming the regulations violated its due process and civil rights, and were pre-empted by federal law. GEO has aggressively pursued the federal litigation, which has involved extensive discovery and motions practice, necessitating an increase in the contract amount.

ISSUE:

The City currently has a legal services agreement with Keating, Bucklin & McCormack, Inc., P.S. to provide legal advice, services, and representation in the matter of The Geo Group, Inc., v. City of Tacoma. It is necessary to increase the maximum compensation for the agreement in the amount of \$50,000, for a cumulative total of \$250,000, to allow the law firm to continue representing the City in this matter.

ALTERNATIVES:

If the contract is not increased, the law firm would reduce its level of services and likely would be forced to withdraw as counsel for the City; the City Attorney's Office would take over sole representation of the City in this matter.

RECOMMENDATION:

The City Attorney's Office is recommending that the proposed amendment be authorized to allow the law firm to continue providing legal services and representation to the City in this matter.



FISCAL IMPACT:

EXPENDITURES:

FUND NUMBER & FUND NAME *	COST OBJECT (CC/WBS/ORDER)	COST ELEMENT	TOTAL AMOUNT
Fund 5800, Internal Services Fund	598100	5311300	\$50,000
TOTAL			\$50,000

FISCAL IMPACT TO CURRENT BIENNIAL BUDGET: \$50,000

ARE THE EXPENDITURES AND REVENUES PLANNED AND BUDGETED? Yes