

Mayor and Council Communication

DATE: 05/24/22

M&C FILE NUMBER: M&C 22-0372

LOG NAME: 12OUTSIDECOUNSELLCARTERMAY2022

SUBJECT

(ALL) Adopt attached Resolution Authorizing an Increase of \$250,000 in the Total Amount to be paid to the Law Firm of Carter Arnett, PLLC, as Outside Legal Counsel to Provide Legal Representation to the City of Fort Worth in the Lawsuit Entitled, Joel F. Fitzgerald, Sr. v. City of Fort Worth, Texas (Cause No. DC-19-08184)

RECOMMENDATION:

It is recommended that the City Council adopt the attached resolution authorizing an increase in the amount of \$250,000.00 to the maximum amount to be paid to the law firm of Carter Arnett, PLLC, as outside legal counsel for legal services related to legal representation for the City of Fort Worth in the lawsuit entitled, Joel F. Fitzgerald, Sr. v. City of Fort Worth, Texas (Cause No. DC-19-08184), for a total amount of \$500,000.00.

DISCUSSION:

Joel F. Fitzgerald, Sr. (Fitzgerald) was hired as the Chief of Police in 2015. On May 20, 2019, Fitzgerald was terminated from his employment with the City of Fort Worth (City). Fitzgerald filed a lawsuit against the City on June 6, 2019, claiming that his termination from the City violated the Texas Whistleblower Act, the Texas Open Meetings Act, the Public Information Act, and the Texas Constitution. Due to the complex nature of the litigation and the importance to the City, On February 8, 2022, by Mayor and Council Communication M&C G-21-0298 and Resolution No. 5526-02-2022, the City Council approved the hiring of the Law Firm of Carter Arnett, PLLC to represent the City in the lawsuit entitled, Joel F. Fitzgerald, Sr. v. City of Fort Worth, Texas (Cause No. DC-19-08184). The City Council approved legal expenses up to \$250,000.

The litigation is still pending and it is estimated that an additional amount of approximately \$250,000.00 beyond the current authorized \$250,000.00 will be needed for the necessary legal services.

Adoption of this Resolution will increase the amount of compensation to be paid to the Law Firm of Carter Arnett, PLLC, by \$250,000.00, for a total amount of \$500,000.00.

FISCAL INFORMATION / CERTIFICATION:

The Director of Finance certifies that upon approval of the recommendations, funds are available in the current operating budget, as appropriated, of the Risk Financing Fund. Prior to an expenditure being incurred, the Human Resources Department has the responsibility to validate the availability of funds.

Submitted for City Manager's Office by: ALL ACMs 6222

Originating Business Unit Head: Laetitia Brown 6639

Additional Information Contact: Christopher A. Troutt 7609

Expedited