



**Outside Counsel
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**

**AGENDA ITEM NO.: 3
AGENDA DATE: Thu 02/05/2004
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SUBJECT: Authorize negotiation and execution of an amendment to the outside counsel contract with CONNIE ODE, ATTORNEY AT LAW, El Prado, New Mexico, in *Ethel Spiller, et al. v. Thomas E. White, et al.*, No. 02-50956; In the United States Court of Appeals, 5th Circuit, in the amount of \$40,000, with a total contract amount not to exceed \$164,500.

AMOUNT & SOURCE OF FUNDING: Funding in the amount of \$40,000 is available in the fiscal year 2003-2004 Approved Operating Budget of the Economic Development Fund.

FISCAL NOTE: There is no unanticipated fiscal impact. A fiscal note is not required.

**REQUESTING Law
DEPARTMENT:**

**DIRECTOR'S
AUTHORIZATION:**

FOR MORE INFORMATION CONTACT: David Smith, City Attorney, 512-974-2268; Dana Johnson, Acting Division Chief, 512-974-2171

PRIOR COUNCIL ACTION: Resolution 2/28/02 in the amount of \$40,000.

BOARD AND COMMISSION ACTION: N/A

This amendment increases the amount of the legal services contract with Connie Ode, Attorney at Law, for representation in *Ethel Spiller, et al. v. Thomas E. White, et al.*, No. 02-50956; In the United States Court of Appeals, 5th Circuit.

The Law Department contracted with Connie Ode on March 21, 2001 for an original contract amount of \$20,000. Administrative approval was granted on August 13, 2001 in the amount of \$22,000. The City Council passed a resolution on February 28, 2002 in the amount of \$40,000. Administrative approval was granted on August 21, 2002 in the amount of \$35,000 and on July 30, 2003 in the amount of \$7,500, for a total contract amount of \$124,500. Additional payment authority of up to \$40,000 may be necessary to pay anticipated fees through the end of FY04, with a total contract amount not to exceed \$164,500.