



CITY OF ALLENTOWN

30880

RESOLUTION

R113 – 2024

Introduced by City Council on June 26, 2024

Authorizes the expenditure funds to hire litigation counsel to pursue any and all available equitable and legal remedies against the Mayor and the Administration to enforce an agreement to engage an Investigator and enjoin any further obstruction of the Investigation.

Resolved by the Council of the City of Allentown, That

WHEREAS, Allentown City Council approved R149 at the Sept 06, 2023 Council meeting, approving the expenditure of funds for an investigation (the "Investigation"); and was assigned Resolution 30701.

WHEREAS, Allentown City Council approved Bill 87-2023 at their October 4, 2023 Council meeting; the bill was assigned Ordinance No. 15948, Section Five reading as follows:

SECTION FIVE: That a committee consisting of the Council President, Councilpersons Gerlach and Zucal was created to work with the Purchasing Bureau to implement the proper procurement procedures.

WHEREAS, Allentown City Council and the Purchasing Bureau supervised by the Mayor were unable to agree on the proper procurement procedures.

WHEREAS, on Feb 15, 2024, a duly advertised public special meeting of the Investigation Committee was held and no member of the public or the Administration were in attendance.

WHEREAS, City Council at the Feb 21, 2024 Council meeting, passed R29 and it was resolved that "outside the Purchasing Agent neither the Director of Finance nor anyone from the Administration should participate in scoring or be present during the process to select a response to the RFP selecting investigatory services since it is an investigation of the Administration" and further that " the scoring committee should consist of the members of council authorized in the ordinance."

WHEREAS, City Council at the April 3, 2024 City Council Meeting, passed R55, assigned Resolution #30826 which approved an expenditure of \$300,000 on the Investigation.

WHEREAS, at the June 5, 2024 Council Meeting, Allentown City Council approved R93, assigned Resolution #30857, approving the engagement of FLEO Investigations LLC, Scott Curtis Owner & CEO, to conduct an investigation pursuant to Ordinance 15948.

WHEREAS, on June 17, 2024 the Mayor delivered a self-explanatory letter to Council wherein “I consider the Contract [with the Investigator] to be void.”

NOW THEREFORE BE IT RESOLVED that Allentown City Council hereby authorizes the expenditure of \$20,000 to hire litigation counsel to pursue any and all equitable and legal remedies, as determined by said counsel, against the Mayor and/or the Administration to declare the engagement agreement with FLEO Investigations LLC as valid and legally enforceable and to enjoin any further obstruction of the Investigation by the Mayor and/or the Administration including its members. Litigation counsel shall have broad discretion to analyze the facts and applicable law, governing documents and rules and determine the causes of action and legal remedies to pursue on behalf of Council.

BE IT ALSO RESOLVED THAT this resolution hereby authorizes City Council to bring an action at law and/or suit in equity against the City, the Mayor, the Administration, its members and/or any other any other parties deemed necessary to enforce the rights and remedies of City Council including but not limited to a declaration of the the validity and legal enforceability of the Investigation and Council's right to conduct same, a declaration of Council's compliance with applicable law, City governing documents and rules for conducting an Investigation and hiring an investigator, a declaration of the validity and legal enforceability of Council's engagement of FLEO Investigations LLC, mandamus, injunctive relief to enjoin further non-compliance with and obstruction of the Investigation including non-payment of invoices as well as claims for attorney fees and costs.

BE IT FINALLY RESOLVED THAT the Administration through its Director of Finance shall, without delay, timely pay all invoices submitted by the Investigator which have been approved by Council.

| | Yea | Nay |
|-------------------------------|-----|-----|
| Candida Affa | X | |
| Ce-Ce Gerlach | X | |
| Daryl Hendricks | X | |
| Santo Napoli | | X |
| Natalie Santos | X | |
| Ed Zucal | X | |
| Cynthia Y. Mota, President | X | |
| TOTAL | 6 | 1 |

THIS IS TO CERTIFY, That the above copy of Resolution No. 30880 was adopted by the City Council of Allentown on the 26th day of June, 2024, and is on file in the City Clerk's Office.



 City Clerk