



## Legislation Text

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**File #:** 230409, **Version:** 1

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### ORDINANCE NO. 230409

**Sponsor:** Director of the Law Department

Authorizing the City Attorney to negotiate and execute a specialized Legal Services Contract with a joint team, consisting of the law firms Williams Dirks Dameron LLC and the Hardwick Law Firm, LLC, a City certified MBE, for the provision of legal services related to the failure of Hyundai and KIA to include anti-theft technology in certain models of their vehicles; and waiving the contract solicitation and award provisions.

WHEREAS, Hyundai and KIA have failed to include anti-theft technology in certain models of their vehicles; and

WHEREAS, certain Hyundai and KIA vehicles do not have immobilizers, which stop the vehicles from starting if the driver does not have the right key; and

WHEREAS, the Hyundai and KIA vehicle thefts have focused on vehicles with steel keys and turn-to-start ignition systems; and

WHEREAS, the lack of immobilizers has made the Hyundai and KIA vehicles easier to steal and the City less safe; and

WHEREAS, the City needs specialized outside Counsel to investigate and work with City personnel to determine the costs that City has incurred as a result of the companies' failure to include the anti-theft technology in its vehicles, and if appropriate bring an action against manufacturers and distributors of Hyundai and KIA; and

WHEREAS, Williams Dirks Dameron LLC and the Hardwick Law Firm, LLC, a City certified MBE (collectively, the "Firm"), specialize in representing public entities in both class action suits and complex litigation; and

WHEREAS, Williams Dirks Dameron LLC is currently representing the City in the *In re National Opioids Litigation*, 17-ND-2804, and *City of Kansas City, Missouri v. Jimenez*, 2016-CV00829 (the firearms litigation); and

WHEREAS, for the last eight months, the Firm has been studying and monitoring Hyundai's and KIA's failure to include anti-theft technology in certain models of vehicles and the resulting damage to public entities; and

WHEREAS, the City will not advance any funds, as any contract for legal services will contain a standard contingency fee arrangement with all legal fees and expenses subtracted from any future settlement or damage recovery; and

WHEREAS, Section 3-35(b)(5), Code of Ordinances, provides that if the Council finds that it is “in the best interests of the city”, the Council may waive the contract solicitation and award provisions otherwise set out in the Code of Ordinances; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the City Attorney is hereby authorized to negotiate and execute a legal services contract and any contract amendments on a contingency-fee basis with the joint team, consisting of the law firms Williams Dirks Dameron LLC and the Hardwick Law Firm, LLC, for the provision of legal services relating to the failure of Hyundai and KIA to include anti-theft technology in certain models of their vehicles.

Section 2. That the City Council hereby finds that due to the specialized and highly technical nature of the legal services needed for representing public entities in both class action suits and complex litigation, it is in the best interests of the City to waive the contract solicitation and award provisions pursuant to Section 3-35(b)(5), of the City’s Code of Ordinances.

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Approved as to form:

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Jim Brady  
Senior Associate City Attorney