



**Hoboken
NJ**

**CC - Resolution
20-65**

Adopted
Jan 15, 2020 7:00 PM

Resolution Authorizing the City to Enter into Retainer Agreement with Emery, Celli, Brinckerhoff & Abady LLP to Pursue Climate Litigation on Behalf of the City of Hoboken

Information

Department:	Corporation Counsel	Sponsors:
Category:	Agreement	

Attachments

[Printout](#)

Hoboken Retainer Agreement for Climate Change Litigation (00397103-13x9CCC2) (This file has not yet been converted to a viewable format)

Body

WHEREAS, the City of Hoboken was approached by the law firm Emery Celli Brinckerhoff & Abady LLP (“ECB&A LLP”) proposing to provide legal services to the City to assist in evaluating, and if appropriate prosecuting, a civil action against fossil fuel companies based upon global warming injuries and adaptation or infrastructure costs to the City; and,

WHEREAS, the ECB&A LLP has agreed to represent the City in the proposed litigation at no cost to the City, and therefore the City will not be responsible for paying any attorneys’ fees, costs, or case expenses; and,

WHEREAS, it is proposed that the fees will be paid by a third-party, the Institute on Governance and Sustainable Development (“IGSD”), but that the City will not be responsible in the event that IGSD fails to pay said fees for any reason; and,

WHEREAS, pursuant to Hoboken City Code §20A-4(A), the municipality shall award all contracts or agreements for the provision of professional services on the basis of qualification based, competitive negotiation; and,

WHEREAS, §20A-4(H) of the Hoboken City Code allows the City Council to waive part or all of the requirements of §20A-4 by a majority vote of the full Council in the event compliance with part or all of the requirements delineated in §20A-4 is impracticable; and,

WHEREAS, the Administration recommends that the requirements set forth in Hoboken City Code §20A-4 be waived and the City enter into a retainer agreement with ECB&A LLP due to the unique nature of this situation, wherein the firm will be representing the City at no cost and there is a great potential benefit to the City; and,

WHEREAS, the City Council wishes to authorize the Mayor and/or the Mayor’s designee to enter into the attached retainer agreement with ECB&A LLP, in the same form or substantially similar form subject to final approval by Corporation Counsel.

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Hoboken hereby authorizes the Mayor and/or the Mayor’s designee to sign and execute the attached retainer agreement with ECB&A LLP, a law firm that will be investigating and potentially litigating a climate change matter on behalf of the City, in the same format as attached or substantially similar format subject to final approval by Corporation Counsel; and,

BE IT FURTHER RESOLVED, that the City will have no obligation or responsibility to pay ECB&A LLP; and,

BE IT FURTHER RESOLVED, by a majority of the City Council of the City of Hoboken, voting in full, that the requirements of §20A of the Hoboken City Code are hereby waived relative to this agreement.

Meeting History

Jan 15, 2020 7:00 PM Video		City Council	Regular Meeting	 Draft
RESULT:	ADOPTED [UNANIMOUS]			
MOVER:	Emily Jabbour, Council-at-Large			
SECONDER:	Phil Cohen, 5th Ward Council Member			
AYES:	Phil Cohen, James Doyle, Vanessa Falco, Tiffanie Fisher, Emily Jabbour, Ruben Ramos, Michael Russo, Jennifer Giattino			
ABSENT:	Mike DeFusco			