

LRB-FISCAL REVIEW SECTION ANALYSIS

JUDICIARY AND LEGISLATION COMMITTEE

ITEM 4, FILE # 030327

JULY 7, 2003

MARK A. RAMION

File # 030327 is a resolution authorizing payment of \$200,000 regarding settlement of the claim filed relative to the death of Mario Mallett.

Background

1. This resolution authorizes payment of \$200,000 from the Damages and Claims Special Purpose Account, for the purpose of settling the claim filed relative to the death of Mario Mallett, to the claimant and the claimant's attorneys.
2. Council File # 030198 authorized the total payment of the claim in the amount of \$200,000. This current resolution is a technical amendment to authorize two separate checks in order to protect the tax-free status of the trust account for Mr. Mallett's minor child.

Discussion

1. Mario Mallett died in police custody in December 2001.
2. Mr. Mallett's estate, surviving spouse, child and parents have filed a claim asserting police and municipal liability for this death.
3. The City Attorney recommends that this claim be settled for the amount specified as a resolution to this claim, including attorney fees and costs.

Fiscal Impact

1. The total amount of this resolution is \$200,000, to be expended from the Damages and Claims Special Purpose Account.
2. The 2003 Damages and Claims SPA is budgeted for \$2.4 million. The current balance of this SPA, before approval of this claim, is \$1,048,848 (57% expended).

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LRB-Fiscal Review Section
July 3, 2003

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