

Reply to Common Council Files No. 080869 and No. 080949  
From DOA-Budget and Management Division

November 17, 2008


Ref: 08024

**Common Council File 080869** contains a resolution **authorizing settlement** of the lawsuit entitled Estate of Justin Fields V. Nawotka, et al. for the total amount of \$1,600,000.00. This amount was arrived at during mediation between the parties after extensive pre-trial discovery in this police involved shooting case. The City Attorney recommends accepting the settlement.

The settlement will be paid from the Damages and Claims Fund (Special Purpose Account S118). The current (November 17<sup>th</sup>) balance of \$303,634.34 is insufficient to pay the settlement amount. Therefore, **Common Council File 080949** contains a **resolution authorizing Contingent Borrowing** of up to \$1,600,000 to fund the Fields lawsuit settlement.

We anticipate repaying the amount borrowed in five years, using a four year amortization of payments from 2010 to 2013. Payments would consist of level principal payments of \$400,000 and declining interest paid ranging from \$80,000 in the first year to \$20,000 in the fourth year, at an estimated 5% annual interest rate.

**RECOMMENDATION: ADOPT COMMON COUNCIL RESOLUTION 080869 THAT AUTHORIZES SETTLEMENT OF THE FIELDS V. NAWOTKA POLICE INVOLVED SHOOTING CASE AND ADOPT COMMON COUNCIL RESOLUTION 080949 AUTHORIZING THE USE OF UP TO \$1,600,000 IN CONTINGENT BORROWING TO FINANCE THE SETTLEMENT.**



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JJL:dmr

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