

Reply to Common Council File No. 131146
From DOA-Budget and Management Division

December 6, 2013

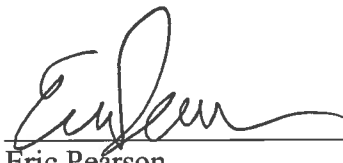
Ref:

Common Council File Number 131146 contains a resolution reducing a previous appropriation from the Common Council Contingent Fund to the Outside Counsel/Expert Witness Fund Special Purpose Account and appropriating and transferring \$220,141 from the 2013 Common Council Contingent Fund to the Outside Counsel/Expert Witness Fund Special Purpose Account.

CCFN 130211 reserved \$460,000 in the Contingent Fund for the Outside Counsel/Expert Witness Fund SPA for purposes of paying legal expenses for the City Hall restoration litigation. The City Attorney has determined that the entire \$460,000 is not needed in 2013 for this purpose. However, the City Attorney does need \$220,141 in 2013 to pay legal expenses related to the Reep sewer overflow case. This file would reduce the \$460,000 reserved in the Contingent Fund for the City Hall restoration litigation by \$220,141 and transfer this amount from the Contingent Fund to the Outside Counsel/Expert Witness Fund SPA in order to pay the Reep sewer overflow case legal expenses.

The Outside Counsel/Expert Witness Fund SPA does not have sufficient funding to pay for the Reep case legal expenses. Using Contingent Funds already reserved for a different legal case, but which are not required for 2013, allows the City Attorney to pay outstanding financial liability for the Reep case without having to use Contingent Borrowing for this purpose.

RECOMMENDATION: ADOPT COMMON COUNCIL FILE NUMBER 131146.

A handwritten signature in black ink, appearing to read "Eric Pearson", is written over a horizontal line.

Eric Pearson
Budget and Policy Manager

ECP:dmr

FINANCE: 131146sr.doc