



## Legislation Text

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**File #: 990949, Version: 0**

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### THE CHAIR

Resolution appropriating \$25,000 from the Common Council Contingent Fund, for the purpose of paying the \$25,000 deductible portion of the bill of Irwin L. Kass of Boardman, Suhr, Curry & Field LLP., who is representing the defendants, Milwaukee Employees' Retirement System (ERS) and Annuity and Pension Board in Edward Walsh, et al. v. City of Milwaukee, Milwaukee Employees' Retirement System and Annuity and Pension Board, Circuit Court Case No. 99-CV-001419. (City Attorney)

The City has advised the Annuity and Pension Board that it will not represent the ERS and the Board in the above-referenced case. At the recommendation of the Board's fiduciary carrier, the Board has retained Attorney Irwin L. Kass. The Board's fiduciary liability policy is subject to a \$25,000 deductible. The Board has forwarded the deductible portion of Mr. Kass' bill to the City Attorney's office for review and processing. This resolution appropriates \$25,000 from the Common Council Contingent Fund to the Outside Counsel - Expert Witness Fund to enable the City Attorney to pay the deductible portion of Mr. Kass' bill.

Whereas, The City of Milwaukee, the ERS and Annuity and Pension Board are defendants in Walsh, et al. v. City of Milwaukee, et al., Case No. 99-CV-001419; and

Whereas, The City Attorney has advised the Annuity and Pension Board to retain outside counsel to represent the ERS and Board, and the City Attorney has received a waiver from the ERS in order to represent the City in the above-entitled matter; and

Whereas, At the recommendation of the Board fiduciary's liability carrier, the Board has retained of Irwin L. Kass of Boardman, Suhr, Curry & Field LLP to represent the ERS and the Board; and

Whereas, The Board's insurance coverage is subject to a \$25,000 deductible, and the ERS has forwarded to the City Attorney the deductible portion of Mr. Kass' bill; and

Whereas, The Outside Counsel - Expert Witness Fund is to be used by the City Attorney to pay outside counsel; and

Whereas, The appropriation of funds require the approval of the Common Council; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the sum of \$25,000 be and hereby is transferred from the Common Council Contingent Fund, Account No. 0001 9990 C001 1999 006300 to the Outside Counsel - Expert Witness Fund, Special Purpose Account No. 0001 1490 S157 1999 634001 for the purpose of paying the deductible portion of the fees submitted by Boardman, Suhr, Curry & Field; and be it

Further Resolved, That the office of the City Attorney is hereby authorized to pay Boardman, Suhr, Curry & Field upon receipt of itemized bills approved to be reasonable and necessary by the office of the City Attorney; and be it

Further Resolved, That the City Comptroller is authorized to appropriate the sum of \$25,000 to the City Attorney's office budget for the stated project, and that the appropriation of funds directed herein to a case other than herein specified shall be subject to further direction of the Common Council.

City Attorney  
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9/22/99